

**Revenues**

Revenues

Language

**Language:**

Page 1, line 35, after "§ 3-3.03" insert:

", and that the Code of Virginia is amended by adding a section numbered 58.1-615.1"

Page 2, line 3, strike "(526,006,597)" and "676,766" and "(525,329,831)" and insert: "(520,929,566)" and "51,596,043" and "(469,333,523)".

Page 2, line 5, strike "15,015,276,144" and "15,622,022,377" and "30,637,298,521" and insert: "14,613,939,287" and "15,261,984,687" and "29,875,923,974".

Page 2, line 8, strike "403,873,844" and "428,316,286" and "832,190,130" and insert: "406,689,844" and "441,825,286" and "848,515,130".

Page 2, line 11, strike "16,475,025,391" and "16,051,015,429" and "32,526,040,820" and insert: "16,081,581,565" and "15,755,406,016" and "31,836,987,581".

Page 2, line 17, strike "20,107,795,571" and "20,410,832,692" and "40,518,628,263" and insert: "20,534,761,089", "21,061,960,368" and "41,596,721,457".

Page 2, line 21, strike "1,432,601,373" and "558,401,000" and "1,991,002,373" and insert: "1,441,751,373", "617,595,000" and "2,059,346,373".

Page 24, strike "27,256,240,668" and "21,399,433,692" and "48,655,674,360" and insert: "27,692,356,186", "22,109,755,368" and "49,802,111,554".

Page 2, line 27, strike "43,731,266,059" and "37,450,449,121" and "81,181,715,180" and insert: "43,773,937,751", "37,865,161,384" and "81,639,099,135".

**Explanation:**

(This amendment reflects resource changes from the introduced House Bill 1600.)

**Legislative Department**  
General Assembly Of Virginia

Language

**Language:**

Page 9, line 2, strike "four", and insert "up to five".  
Page 9, line 7, after "committees", insert "by December 1, 2009".  
Page 9, line 9, strike "1)", and insert "a)".  
Page 9, line 15, strike "2)", and insert "b)".  
Page 9, line 17, after "deduction", insert:  
"c) review the methodology for establishing a consistent funding cap process for all state funded instructional and certain support positions."

**Explanation:**

(This amendment is self-explanatory.)

Item 1 #2c

<b>Legislative Department</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
General Assembly Of Virginia	\$0	(\$194,600)	GF

**Language:**

Page 4, line 5, strike "\$32,545,351" and insert "\$32,350,751".

**Explanation:**

(This amendment reduces funding for the General Assembly as a result of a reduction in the payment in lieu of taxes for the Capitol and the General Assembly Building. A companion amendment to Item 81 within the Department of General Services sets a specific amount for these transfer payments.)

Item 4 #1c

<b>Legislative Department</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Division Of Capitol Police	(\$726,050)	(\$726,050)	GF
	-9.00	-9.00	FTE

**Language:**

Page 10, line 49, strike "\$8,140,971" and insert "\$7,414,921".  
Page 10, line 49, strike "\$8,154,626" and insert "\$7,428,576".

**Explanation:**

(This amendment adjusts the funding for the Capitol Police to reflect current staffing levels.)

Item 6 #1c

<b>Legislative Department</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Division Of Legislative Services	\$0	\$180,600	GF

**Language:**

Page 11, line 45, strike "\$5,815,489" and insert "\$5,996,089".

**Explanation:**

(This amendment provides \$180,600 the second year from the general fund to acquire hardware, software and training to be used by the General Assembly for the 2011 redistricting. This includes separate mapping space and work stations for the Senate and the House of Delegates, work stations for staff of the Division of Legislative Services, an internet server for making redistricting data and plans available to the public, and redistricting software applications.)

Item 29 #1c

**Legislative Department**

Joint Legislative Audit And  
Review Commission

Language

**Language:**

Page 19, after line 30 insert:

"F. The Joint Legislative Audit and Review Commission (JLARC) shall conduct a review of the funding of the District and Circuit Courts in Virginia and report its findings by November 1, 2009."

**Explanation:**

(This amendment directs JLARC to review the funding of District and Circuit Courts in Virginia.)

Item 29 #2c

**Legislative Department**

Joint Legislative Audit And  
Review Commission

Language

**Language:**

Page 19, after line 30 insert:

"F. The Joint Legislative Audit and Review Commission (JLARC) shall study the funding of courthouse construction, operation, and maintenance in Virginia, including the extent to which the current fee structure provides an equitable, efficient and sufficient source of revenues for this purpose across the Commonwealth."

**Explanation:**

(This amendment directs JLARC to study the funding of courthouse construction, operation, and maintenance in Virginia.)

Item 30 #1c

**Legislative Department**

Virginia Commission On  
Intergovernmental Cooperation

**FY 08-09**

\$0

**FY 09-10**

(\$34,000) GF

**Language:**

Page 19, line 39, strike "\$683,039" and insert "\$649,039".

**Explanation:**

(This amendment reduces funding for the Virginia Commission on Intergovernmental Cooperation by \$34,000 from the general fund the second year.)

Item 31 #1c

**Legislative Department**

Legislative Department Reversion  
Clearing Account

Language

**Language:**

Page 20, line 4, before "On or before", insert "A."

Page 20, after line 8, insert:

"B. On or before June 30, 2009, the Committee on Joint Rules shall authorize the reversion to the general fund of \$992,745, representing savings generated by

legislative agencies in the first year. The total savings amount includes estimated savings within the legislative agencies of:

<u>Legislative Agency</u>	<u>Estimated Savings</u>
Capitol Police (961)	\$859,282
Joint Commission on Technology and Science (847)	\$27,112
Joint Legislative Audit and Review Commission (110)	\$54,371
Division of Legislative Automated Systems (109)	\$51,980

C. On or before June 30, 2010, the Committee on Joint Rules shall authorize the reversion to the general fund of \$2,294,972 representing savings generated by legislative agencies in the first and second year. The total savings amount includes estimated savings within the legislative agencies of:

<u>Legislative Agency</u>	<u>Estimated Savings</u>
Auditor of Public Accounts (133)	\$1,048,754
Virginia Commission on Youth (839)	\$32,740
Virginia State Crime Commission (142)	\$53,216
Joint Commission on Health Care (844)	\$70,714
Joint Commission on Technology and Science (847)	\$10,000
Joint Legislative Audit and Review Commission (110)	\$300,000
Division of Legislative Automated Systems (109)	\$200,000
Division of Legislative Services (107)	\$579,548

D. On or before June 30, 2010, the Committee on Joint Rules shall authorize the reversion to the general fund of \$1,000,000 from the Legislative Department Reversion Clearing Account."

**Explanation:**

(This amendment authorizes the reversion of legislative agency savings to the general fund.)

Item 31 #2c

**Legislative Department**

Legislative Department Reversion  
Clearing Account

Language

**Language:**

Page 20, line 4, before "On or before", insert "A."

Page 20, after line 8, insert:

"B. On or before June 30, 2010, the House Committee on Rules shall authorize the

reversion to the general fund of \$1,100,000 from the Clerk of the House.

C. On or before June 30, 2010, the Senate Committee on Rules shall authorize the reversion to the general fund of \$560,000 from the Clerk of the Senate."

**Explanation:**

(This amendment authorizes the reversion of savings from the Clerks of the House of Delegates and the Senate to the general fund.)

Item 33 #1c

**Judicial Department**

Supreme Court

Language

**Language:**

Page 21, after line 38 insert:

"D. The Executive Secretary of the Supreme Court of Virginia shall encourage training of Juvenile and Domestic Relations District Court judges regarding the options available for court-ordered services for families in truancy cases prior to the initiation of other remedies."

**Explanation:**

(This amendment emphasizes the utilization of family services, such as counseling or substance abuse treatment, as a first recourse as opposed to the imposition of jail or fines.)

Item 33 #2c

**Judicial Department**

Supreme Court

**FY 08-09**

\$0

0.00

**FY 09-10**

(\$508,000)

-2.00

GF

FTE

**Language:**

Page 21, line 3, strike "\$14,158,723" and insert "\$13,650,723".

**Explanation:**

(This amendment eliminates funding for the judicial performance evaluation program.)

Item 33 #3c

<b>Judicial Department</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Supreme Court	\$0	(\$2,000,000)	GF

**Language:**

Page 21, line 3, strike "\$14,158,723" and insert "\$12,158,723".  
Page 21, line 35, strike "\$6,200,000" and insert "\$4,200,000".

**Explanation:**

(This amendment caps the funding for waivers for increased reimbursement for court-appointed attorneys for indigent defendants in criminal cases at \$4.2 million the second year. The \$4.2 million amount is equal to the funding level appropriated for the first year.)

Item 38 #1c

<b>Judicial Department</b>	
Supreme Court	Language

**Language:**

Page 23, after line 18 insert:  
"H. In addition to any filing fee or other fee permitted by law, an electronic access fee may be charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia. Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the costs of statewide electronic filing systems."

**Explanation:**

(This amendment authorizes the Supreme Court to charge an electronic access fee for any electronic filings submitted to the court system. The language allows the Supreme Court to set the amount of the fee and requires the revenues from the fee to be deposited into the Courts Technology Fund.)

Item 38 #2c

<b>Judicial Department</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Supreme Court	\$0	\$104,280	NGF
	0.00	1.00	FTE

**Language:**

Page 22, line 14, strike "\$29,337,566" and insert "\$29,441,846".

Page 23, after line 18, insert:

"H. Included in the appropriation for this item is \$104,280 the second year from the Circuit Court Clerks Technology Fund established pursuant to § 17.1-279.A, Code of Virginia."

**Explanation:**

(This amendment provides an appropriation within the Supreme Court of \$104,280 in the second year from the Circuit Court Clerks Technology Fund, pursuant to House Bill 1946 and Senate Bill 1442 of the 2009 General Assembly. House Bill 1946 and Senate Bill 1442 require the Office of the Executive Secretary to establish a statewide case management and financial management system. These bills also require that the system provide an interface to Circuit Court clerk systems that are provided by private vendors or their localities.)

Item 40 #1c

**Judicial Department**

Circuit Courts

Language

**Language:**

Page 25, after line 52, insert:

"F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643 or otherwise shall be delayed at the request of the local governing body in which the court is located until June 30, 2010. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008."

**Explanation:**

(This amendment temporarily suspends the authority of circuit courts to enter orders requiring localities to repair or replace court facilities if they are deemed out of repair.)

Item 40 #2c

**Judicial Department**

Circuit Courts

Language

**Language:**

Page 25, after line 52, insert:



"4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia."

**Explanation:**

(This amendment authorizes the Supreme Court of Virginia to set the hourly rates for compensation of court appointed counsel in cases involving felonies that may be punishable by death. Current language in the Code authorizes the Circuit Court judge to set the fee. It is the intention of the Supreme Court to cap these fees at \$200 per hour in-court and \$150 per hour out-of-court.)

Item 48 #1c

**Judicial Department**

Virginia Criminal Sentencing  
Commission

Language

**Language:**

Page 31, line 22, before "For", insert "A."

Page 31, after line 31, insert:

"B. The Virginia Criminal Sentencing Commission shall review the status of all offenders housed in state facilities operated by the Virginia Department of Corrections who are subject to consideration for parole. The purpose of the review is to determine the numbers of such offenders who have already, or will within the next six years, serve an amount of time in prison which would be equal to or more than the amount of time for which they would have been sentenced for the same offense, and under the same circumstances, under the current sentencing guidelines system. The review shall include consideration of the numbers and types of older offenders who may be eligible for geriatric release. The Department of Corrections and the Virginia Parole Board shall provide all necessary information and assistance in carrying out this review. This review shall be presented to the Secretary of Public Safety, the Chairmen of the Senate and House Courts of Justice Committees, the Chairman of the Virginia State Crime Commission, and the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2009."

**Explanation:**

(This amendment directs the Virginia Criminal Sentencing Commission to review the extent to which inmates who are eligible for parole may have already served as much time as they would have served had they been sentenced for the same offense

under the current sentencing guidelines.)

Item 50.05 #1c

**Judicial Department**

Judicial Department Reversion  
Clearing Account

Language

**Language:**

Page 33, after line 2 insert:

"On or before June 30, 2010, the Director of Department of Planning and Budget shall authorize the reversion to the general fund of \$3,000,000 representing additional savings generated by judicial agencies in the first and second year."

**Explanation:**

(This amendment assumes an additional savings of \$3.0 million from the judicial branch over the biennium.)

Item 56 #1c

**Executive Offices**

Attorney General And Department  
Of Law

Language

**Language:**

Page 37, after line 12, insert:

"E. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge."

**Explanation:**

(This amendment directs the Office of the Attorney General to provide representation for soil and water conservation districts and district directors upon their request at no charge.)

Item 65 #1c

**Executive Offices**

Interstate Organization  
Contributions

Language

**Language:**

Page 45, line 6, after "year" insert "and \$11,500 the second year."

**Explanation:**

(This amendment restores language related to the payment of the annual assessment for the Federal Funds Information for States (FFIS) system in the second year. A companion amendment to Item 65.05 restores the funding for the assessment which was eliminated in the introduced budget.)

Item 65.05 #1c

**Executive Offices**

**FY 08-09**

**FY 09-10**

Interstate Organization  
Contributions

\$0

\$11,500 GF

**Language:**

Page 45, line 7, strike "\$62,884" and insert "\$51,384".

**Explanation:**

(This amendment restores funding for dues for membership in the Federal Funds Information for States (FFIS) system. The funding for FFIS was eliminated in the second year as part of the executive management savings assumed in the budget. A companion amendment in Item 65 amends the language to reflect the restoration. It is the intent of the General Assembly that this funding restoration shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item § 4-1.08 during the enrollment of this Act.)

Item 67 #1c

**Administration**

**FY 08-09**

**FY 09-10**

Secretary Of Administration

\$0

(\$1,000,000) GF

**Language:**

Page 46, line 9, strike "\$3,457,686" and insert "\$2,457,686".

**Explanation:**

(This amendment reduces funding for public television and radio by \$1.0 million from the general fund the second year .)

Item 69 #1c

**Administration**

Compensation Board

Language

**Language:**

Page 51, line 52, after "Program", insert:

", where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1,".

Page 51, line 53, after "accreditation", insert "by March 1".

**Explanation:**

(This technical amendment provides an extension to the date by which a sheriff's office can be approved by an accrediting agency and still be considered by the Compensation Board as fully accredited, for the purpose of compliance with the Sheriffs' Career Development Program and allocation of the appropriate salary supplement for the upcoming fiscal year.)

Item 69 #2c

**Administration**

Compensation Board

**FY 08-09**

**FY 09-10**

\$0

(\$965,874) GF

**Language:**

Page 48, line 4, strike "\$399,264,794" and insert "\$398,298,920".

**Explanation:**

(This amendment reduces funding for the operation of local jails included in the introduced budget due to delays in the completion of construction for the Loudoun County jail. The completion date for the construction of the expansion has slipped from July 1, 2009 to November 15, 2009.)

Item 69 #3c

**Administration**

**FY 08-09**

**FY 09-10**

Compensation Board \$0 \$5,259,997 GF

**Language:**

Page 48, line 4, strike "\$399,264,794" and insert "\$404,524,791".

Page 52, after line 36, insert:

"P. This item is subject to the provisions of Item 475.50 of this act."

**Explanation:**

(This amendment provides \$5.3 million from the general fund to restore funding to sheriffs' offices which was reduced in the introduced budget. Item 475.50 of this act authorizes the Governor to use \$23.3 million from the American Recovery and Investment Act of 2009 for sheriffs' offices funded in this item.)

Item 69 #4c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$291,195	GF

**Language:**

Page 48, line 4, strike "\$399,264,794" and insert "\$399,555,989".

Page 52, after line 36, insert:

"P. Out of the amounts appropriated for Financial Assistance for Regional Jail Operations, \$291,195 the second year from the general fund is provided for the costs associated with the expansion of the Blue Ridge Regional Jail."

**Explanation:**

(This amendment provides funding to support 13 additional regional jail officers, two additional cooks, and one additional medical position required for an expansion of the Halifax facility of Blue Ridge Regional Jail. Staffing is based upon a review and recommendation by the Department of Corrections for the opening of the new capacity on November 1, 2009. A companion amendment to Item 76 provides the necessary positions supporting this funding.)

Item 70 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	(\$256,000)	GF

**Language:**

Page 52, line 39, strike "\$74,191,798" and insert "\$73,935,798".

Page 55, line 6, strike "personnel".

Page 55, after "Board.", insert:

"Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day costs provided by the Commonwealth, excluding payments otherwise provided for in this item, as identified in the most recent Jail Cost Report prepared by the Compensation Board."

**Explanation:**

(This amendment expands the existing federal inmate cost recovery methodology to recoup the entire costs borne by the Commonwealth for the federal inmates housed in local and regional jails. The Commonwealth provides not only the salaries for the jail deputies and regional jail correctional officers, but also office and vehicle allowances, grants, construction reimbursements, and other support. This change will generate about \$256,000 in additional federal inmate cost recoveries.)

Item 70 #2c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	(\$2,200,000)	(\$2,200,000)	GF

**Language:**

Page 52, line 38, strike "\$82,340,529" and insert "\$80,140,529".

Page 52, line 39, strike "\$74,191,798" and insert "\$71,991,798".

**Explanation:**

(This amendment captures savings of \$2.2 million from the general fund in each year resulting from a re-estimate of per diem payments for inmates in local and regional jails.)

Item 71 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$620,504	GF

**Language:**

Page 57, line 21, strike "\$6,219,626" and insert "\$6,840,130".

**Explanation:**

(This amendment restores all of the funding for the ten percent reduction proposed in the introduced budget in the appropriation for the Directors of Finance offices.)

Item 72 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$1,071,500	GF

**Language:**

Page 58, line 36, strike "\$19,317,650" and insert "\$20,389,150".

**Explanation:**

(This amendment restores all of the funding for the ten percent reduction proposed in the introduced budget in the appropriation for the Commissioners of Revenue offices.)

Item 73 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$3,529,849	GF

**Language:**

Page 60, line 29, strike "\$62,671,350" and insert "\$66,201,199".

**Explanation:**

(This amendment restores all of the funding from the seven percent reduction proposed in the introduced budget in the appropriation for the Commonwealth Attorneys offices.)

Item 74 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$2,749,929	GF

**Language:**

Page 62, line 41, strike "\$50,440,377" and insert "\$53,190,306".

**Explanation:**

(This amendment restores funding from the ten percent reduction proposed in the introduced budget in the appropriation for the Clerk of Circuit Courts offices.)

Item 74 #2c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$1,000,000	NGF

**Language:**

Page 62, line 41, strike "\$50,440,377" and insert "\$51,440,377".

Page 64, line 44, strike "\$2,978,426" and insert "\$3,978,426."

**Explanation:**

(This amendment increases by \$1.0 million the appropriation from the Circuit Court Clerks' Technology Trust Fund that can be used to support the operations of the clerks' offices.)

Item 74 #3c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Compensation Board	\$0	\$2,100,000	GF

**Language:**

Page 62, line 41, strike "\$50,440,377" and insert "\$52,540,377".

**Explanation:**

(This amendment provides general fund support for the additional fringe benefit costs of circuit court clerks resulting from the proposed change in the excess circuit court clerks' fees to be retained by the Commonwealth. The proportion retained by the state would increase from one-third to two-thirds. Accordingly, by law, the Commonwealth would be required to reimburse two-thirds of the fringe benefit costs for circuit court clerks, instead of one-third. Although the introduced budget bill increases the retention of excess fees, an increase in appropriation for the Compensation Board to cover the fringe benefit costs was inadvertently omitted. A companion amendment increases by the same amount the amount of revenue expected from the change in policy regarding excess fees.)



Item 74 #4c

**Administration**

Compensation Board

Language

**Language:**

Page 64, line 42, after "G.", insert "1."

Page 64, after line 46, insert:

"2. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the City of Newport News, whose Circuit Court Clerk's Technology Trust Fund is segregated from the statewide pool pursuant to § 17.1-288, may allocate up to \$100,000 the first year and \$200,000 the second year of its Technology Trust Fund moneys for operating expenses of the Newport News Circuit Court Clerk's office."

**Explanation:**

(This amendment enables the Newport News Circuit Court Clerk to access Technology Trust Fund deposits to support office operations.)

Item 75 #1c

**Administration**

Compensation Board

**FY 08-09**

**FY 09-10**

\$0

\$1,059,334 GF

**Language:**

Page 66, line 17, strike "\$19,183,595" and insert "\$20,242,929".

**Explanation:**

(This amendment restores all of the funding from the ten percent reduction proposed in the introduced budget in the appropriation for the Treasurers offices.)

Item 76 #1c

**Administration**

Compensation Board

Language

**Language:**

Page 70, line 2, after "F." insert "1."

Page 70, after line 9, insert:

"2. The Compensation Board shall convene a workgroup which will include designees, who may be staff, from the Chairmen of the House Appropriations and

Senate Finance Committees and representatives from the constitutional officers to revise and update the methodologies used to determine the staffing standards. The workgroup shall complete the review and update the standards on the following schedule: for Commonwealth's Attorneys' offices, by November 15, 2009; for Sheriffs' offices, by June 30, 2010; and for Circuit Court Clerks, Treasurers, Commissioners of the Revenue and Compensation Board funded Directors of Finance, by November 15, 2010."

**Explanation:**

(This amendment includes language requiring the Compensation Board to convene a workgroup to update the staffing standards for the constitutional officers' offices.)

Item 76 #2c

**Administration**

Compensation Board

Language

**Language:**

Page 68, line 54, strike "10,775" and insert "10,790".

Page 68, line 55, strike the second "725" and insert "726".

**Explanation:**

(This amendment provides positions in the position count table to support 13 additional regional jail officers, two additional cooks, and one additional medical position required for an expansion of the Halifax facility of the Blue Ridge Regional Jail. Staffing is based upon a review and recommendation by the Department of Corrections for the opening of the new capacity on November 1, 2009. A companion amendment to Item 76 provides the funding for these positions.)

Item 77 #1c

**Administration**

Department Of Employment  
Dispute Resolution

**FY 08-09**

\$0  
\$0  
0.00

**FY 09-10**

\$1,106,641 GF  
\$299,969 NGF  
18.00 FTE

**Language:**

Page 73, line 14, strike "\$0" and insert "\$1,406,610".

Page 73, strike line 24 through 28.

**Explanation:**

(This amendment strikes language included in the introduced budget that would merge the Department of Employment Dispute Resolution into the Department of Human Resources Management in the second year. The amendment restores the funding for the Department and a companion amendment eliminates the proposed funding within the DHRM. It is the intent of the General Assembly that the elimination of this transfer shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 77.05, Item 85.05, and § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.)

Item 81 #1c

**Administration**

Department Of General Services

Language

**Language:**

Page 78, after line 46, insert:

"G. Effective July 1, 2009, the total service charge for the property known as the General Assembly Building and the State Capitol Building shall not exceed \$70,000 per fiscal year."

**Explanation:**

(This amendment specifies the exact level of payments the Department of General Services is to reimburse the City of Richmond for payment in lieu of taxes beginning in fiscal year 2010.)

Item 83 #1c

**Administration**

Department Of General Services

Language

**Language:**

Page 79, after line 16, insert:

"C. The Department of General Services shall advance the consolidation of bulk and commercial fuel purchases into a single procurement action as recommended in the Vehicle Fleet Operational Review conducted in 2007. The intent of this consolidation will be to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume into a single procurement action to achieve

the most favored pricing from private sector fuel providers. The Department shall release a solicitation to consolidate the purchase of fuel no later than September 1, 2009. The Department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the status of the solicitation and any potential savings from the consolidation by November 1, 2009."

**Explanation:**

(This amendment authorizes the Department of General Services to initiate actions to consolidate the purchase of fuel for state agencies and local governments in an effort to leverage the purchasing power.)

Item 85 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Human Resource	\$0	(\$1,106,641)	GF
Management	\$0	(\$299,969)	NGF
	0.00	-18.00	FTE

**Language:**

Page 80, line 3, strike "\$11,402,597" and insert "\$9,995,987".  
 Page 81, strike line 32 through 36.

**Explanation:**

(This amendment strikes language included in the introduced budget that would merge the Department of Employment Dispute Resolution into the Department of Human Resources Management in the second year. The amendment eliminates the transfer of funding into the DHRM and a companion amendment restores funding for the Department of Employment Dispute Resolution. It is the intent of the General Assembly that the elimination of this transfer shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 77.05, Item 85.05, and § 4-1.08 during the enrollment of House Bill 1600/ Senate Bill 850, as adopted by the 2009 General Assembly.)

Item 87 #1c

<b>Administration</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Human Rights Council	\$0	\$463,125	GF
	\$0	\$26,200	NGF
	0.00	5.00	FTE

**Language:**

Page 83, line 19, strike "\$0" and insert "\$489,325".

**Explanation:**

(This amendment reverses the proposed transfer of the Human Rights Council to the Department of Labor and Industry.)

Item 87.05 #1c

**Administration**

Human Rights Council

**FY 08-09**

\$0

**FY 09-10**

(\$51,637) GF

**Language:**

Page 83, line 33, strike "\$0" and insert "(\$51,637)".

**Explanation:**

(This amendment reverses the proposed transfer of the Human Rights Council to the Department of Labor and Industry.)

Item 88 #1c

**Administration**

Department Of Minority Business  
Enterprise

**FY 08-09**

\$30,000

**FY 09-10**

\$0 GF

**Language:**

Page 84, line 2, strike "\$2,260,281" and insert "\$2,290,281".

**Explanation:**

(This amendment provides \$30,000 from the general fund the first year for the procurement disparity study that is being conducted by the Department of Minority Business Enterprise.)

Item 98 #1c

**Agriculture And Forestry**

Department Of Agriculture And

**FY 08-09**

\$0

**FY 09-10**

(\$1,250,000) GF

## Consumer Services

### **Language:**

Page 94, line 29, strike "\$2,773,166" and insert "\$1,523,166".

Page 94, after line 37, insert:

"A. Beginning January 1, 2010, any person whose weights and measures, as defined in § 3.2-5600 of the Code of Virginia, which are used for a commercial purpose, shall provide for the inspection and testing of all such weights and measures to determine the accuracy and correct operation of the equipment or device. The owner of such weights and measures shall report to the Commissioner of Agriculture and Consumer Services on an annual basis in a manner prescribed by the Commissioner the results of all testing, including (i) the number of inspections completed, (ii) the number of failures in the weights and measures equipment or devices, and (iii) the actions taken to correct any inaccuracies in the equipment or devices. The owner shall have the weights and measures inspected and tested at least annually by a service agency that is registered pursuant to § 3.2-5702 of the Code of Virginia. Weights and measures that have been rejected by a service agency, shall not again be used commercially until they have been officially reexamined by the rejecting authority, and found to be in compliance with Chapter 56 of Title 3.2 Code of Virginia.

B. Beginning January 1, 2010, and notwithstanding the provisions of § 59.1-152, the Commissioner of Agriculture and Consumer Services shall require and prescribe the testing of motor fuel and lubricating oil by manufacturers, wholesalers, jobbers and retailers subject to the provisions of Chapter 12 of Title 59.1 and shall require the submission of said test results to the Commissioner in a manner and frequency no less than annually, as prescribed by the Commissioner.

C. Any person found by the Commissioner to be in violation of this item shall be subject to the penalties provided in §§ 3.2-5645, 3.2-5646 and 59.1-163 of the Code of Virginia.

D. The Commissioner may take such action as necessary to recover all direct and reasonable costs related to any investigation which results in a finding of a violation of the provisions of Chapter 56 of Title 3.2 or Chapter 12 of Title 59.1 Code of Virginia.

E. If the Board of Agriculture and Consumer Services determines that regulations are necessary to carry out the provisions of this item, the Board shall adopt emergency regulations to implement the provisions of this item to be effective within 180 days of

its enactment. The Board shall adopt permanent regulations prior to the expiration of the emergency regulations.

F. The Commissioner shall provide a report on progress made toward the privatization of the weights and measures program to the Governor and the Chairman of the House Appropriations Committee, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the Senate Committee on Agriculture, Conservation and Natural Resources by November 1, 2009. Included in the report shall be recommendations for any statutory changes necessary for the further implementation of the provisions of this item."

**Explanation:**

(This amendment reduces general funds in the second year for the weights and measures inspection program. Beginning January 1, 2010, the operators of all commercially used weights and measures devices shall be required to arrange for independent testing, at least annually, of all such devices and certify the results of the independent testing to the Commissioner of Agriculture and Consumer Services.)

Item 105 #1c

**Commerce And Trade**

Secretary Of Commerce And Trade

Language

**Language:**

Page 101, after line 23, insert:

"6. Out of the amounts in this item, up to \$1,500,000 the second year from the general fund may be provided to offset training expenses for a major automotive employer operating a diesel assembly and test facility in the City of Newport News, contingent upon such employer entering into a performance agreement with the Virginia Economic Development Partnership describing the employer's commitments regarding job creation and retention. The funds shall be administered in a manner similar to existing training grant programs permitted under § 2.2-902, Code of Virginia. The major automotive employer shall certify to the Secretary of Commerce and Trade that it has retained at least 500 jobs in the Commonwealth and has taken actions to increase employment by at least 250 new full-time jobs in the Commonwealth."

**Explanation:**

(This amendment would allow up to \$1.5 million from the Governor's Development Opportunity Fund to be used for training funding as an incentive for the

location of an automotive supplier, Continental AG, to the Commonwealth. On December 15, 2008, the governor announced that Continental AG, a global automotive supplier, will consolidate its diesel and gasoline fuel injector manufacturing operations at its Newport News facility. As part of the relocation of its diesel fuel injector manufacturing operations to the Commonwealth and the expansion of the existing gasoline fuel injector business line, Continental AG will create 318 new jobs and invest \$194.0 million.)

Item 105 #2c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Secretary Of Commerce And Trade	\$0	\$375,000	NGF

**Language:**

Page 100, line 4, strike "\$14,262,756" and insert "\$14,637,756".

Page 102, line 1, after "Virginia." insert:

"In addition to these amounts, \$375,000 in nongeneral fund revenues shall be deposited to Fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia."

**Explanation:**

(This amendment provides \$375,000 in nongeneral funds from the digital media fee created by Senate Bill 1421.)

Item 105 #3c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Secretary Of Commerce And Trade	\$0	(\$588,945)	GF

**Language:**

Page 100, line 4, strike "\$14,262,756" and insert "\$13,673,811".

Page 100, line 20, strike "\$12,500,000" and insert "\$11,911,055".

Page 100, line 23, after "Virginia." insert:

"The Governor shall restore \$588,945 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment reduces general funds for the Governor's Development



Opportunity Fund by \$588,945 in the second year. Item 475.50 of this act authorizes the Governor to use \$588,945 from the American Recovery and Reinvestment Act of 2009 provide funding for economic development projects in the second year. With this amendment, a total of \$12,500,000 will be available for economic development projects in the second year.)

Item 105 #4c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Secretary Of Commerce And Trade	\$0	(\$1,562,756)	GF

**Language:**

Page 100, line 4, strike "\$14,262,756" and insert "\$12,700,000".

Page 101, line 48, strike "and \$1,562,756 the".

Page 101, line 49, strike "second year".

Page 101, line 53, after "Virginia.", insert:

"The Governor shall restore \$1,562,756 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment eliminates the second year general funding for the Virginia Investment Performance Grant Fund. A companion amendment in Item 475.50 restores the same amount from federal stimulus funds available under the American Recovery and Reinvestment Act of 2009.)

Item 110 #1c

<b>Commerce And Trade</b>	
Department Of Housing And Community Development	Language

**Language:**

Page 111, after line 35, insert:

"5. For the purposes of § 2.2-2708, the board of commissioners of the Fort Monroe Federal Area Development Authority created pursuant to § 15.1-6304.1 shall be deemed a state public body and may meet by electronic communication means in accordance with the requirements set forth in § 2.2-3708. Electronic communication shall mean the same as that term is defined in § 2.2-3701."

**Explanation:**

(This amendment authorizes the Fort Monroe Federal Area Development Authority to meet via electronic means under the same requirements and provisions as other state governmental bodies.)

Item 110 #2c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Housing And Community Development	\$0	(\$1,556,934)	GF

**Language:**

Page 107, line 11, strike "\$59,771,885" and insert "\$58,214,951".

Page 110, line 37, strike "and \$1,556,934 in".

Page 110, line 38, strike "the second year".

Page 110, line 48, after "reimbursement.", insert:

"The Governor shall restore \$1,556,934 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment eliminates general funding for the Fort Monroe Federal Area Development Authority. A companion amendment in Item 475.50 restores the Authority's second year operating expenses from federal stimulus funds available under the American Recovery and Reinvestment Act of 2009.)

Item 118.05 #1c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Labor And Industry	\$0	(\$463,125)	GF
	\$0	(\$26,200)	NGF
	0.00	-5.00	FTE

**Language:**

Page 114, line 25, strike "\$489,325" and insert "\$0".

**Explanation:**

(This amendment reverses the proposed transfer of the Human Rights Council to

the Department of Labor and Industry.)

Item 119.05 #1c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Labor And Industry	\$0	(\$268,515)	GF

**Language:**

Page 114, line 38, strike "\$81,738" and insert "\$350,253)".

**Explanation:**

(This amendment increases the second year reduction for the Department of Labor and Industry from less than one percent to three percent. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 119.05 and § 4-1.08 during the enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 119.05 #2c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Labor And Industry	\$0	\$51,637	GF

**Language:**

Page 114, line 38, strike "\$81,738" and insert "\$30,101)".

**Explanation:**

(This amendment reverses the proposed transfer of the Human Rights Council to the Department of Labor and Industry.)

Item 121 #1c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Mines, Minerals And Energy	\$0	(\$2,000,000)	GF

**Language:**

Page 116, line 3, strike "\$4,641,840" and insert "\$2,641,840".

Page 116, line 11, strike "A."  
Page 116, strike line 15 through line 18.

**Explanation:**

(This amendment eliminates \$2.0 million included for a new Clean Energy Manufacturing Incentive Grant program as the legislation did not pass. No commitments have been made under this fund at this time.)

Item 124 #1c

**Commerce And Trade**

Virginia Economic Development  
Partnership

Language

**Language:**

Page 119, strike lines 47 through 51.  
Page 119, line 52, strike "O." and insert "N."

**Explanation:**

(This amendment eliminates outdated language referring to an expired Code of Virginia commitment to make payments to support the operating costs of the Virginia Advanced Shipbuilding and Carrier Integration Center. The legislation expired at the close of fiscal year 2008 but the language was continued in the budget.)

Item 124.05 #1c

**Commerce And Trade**

Virginia Economic Development  
Partnership

**FY 08-09**

**FY 09-10**

\$0

\$500,000 GF

**Language:**

Page 120, line 4, strike "\$1,043,553" and insert "\$543,553".

**Explanation:**

(This amendment restores \$500,000 in the second year for economic development activities that was removed in the Governor's proposed amendments to the budget. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 124.05 and § 4-1.08 during the enrollment of House Bill 1600 as adopted by the 2009 General Assembly.)

Item 130 #1c

<b>Commerce And Trade</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Tourism Authority	\$0	\$2,500,000	GF

**Language:**

Page 123, line 8, strike "\$14,469,330" and insert "\$16,969,330".

Page 124, after line 41, insert:

"L. Out of the amounts for Tourist Promotion shall be provided \$2,500,000 the second year from the general fund to expand targeted tourism promotion as follows:

1. \$1,000,000 to expand radio and television advertising to promote tourism in the Commonwealth, of which \$400,000 shall be matched by the Virginia Association of Broadcasters for an in-state radio and television campaign, and \$600,000 of which shall be used to purchase media in the Washington, D.C. and Baltimore, Maryland markets;

2. \$800,000 to expand electronic marketing of Virginia tourism and conduct major media events with travel industry partners and maintain Welcome Center operations;

3. \$500,000 to support the micro-tourism leverage funds with Virginia tourism industry partners across the Commonwealth; and

4. \$200,000 to support film incentives."

**Explanation:**

(This amendment provides \$2.5 million in the second year from the general fund to support the targeted expansion of tourism promotion in the Commonwealth. This investment is expected to leverage more than \$12 million in private-sector expenditures and stimulate immediate economic activity across Virginia.)

Item 138 #1c

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Education, Central Office Operations	\$0 0.00	\$200,000 1.00	GF FTE

**Language:**

Page 131, line 17, strike "\$20,034,690" and insert "\$20,234,690".

Page 132, after line 16 insert:

"G. Out of this appropriation \$200,000 the second year from the general fund is provided for the personnel, fees and travel expenses associated with the Interstate Compact on Educational Opportunity for Military Children, established pursuant to House Bill 1727 (2009)."

**Explanation:**

(This amendment provides \$200,000 the second year from the general fund to facilitate the administration of the Interstate Compact on Educational Opportunity for Military Children, pursuant to House Bill 1727 (2009)).

Item 139 #1c

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Direct Aid To Public Education	\$0	\$1,012,500	GF

**Language:**

Page 132, line 43, strike "\$6,204,120" and insert "\$7,216,620".

Page 134, line 7, strike "\$3,457,500" and insert "\$4,470,000".

**Explanation:**

(This amendment provides over \$1.0 million from the general fund the second year to account for expected growth in the number of teachers eligible for bonuses due to certification from the National Board of Professional Teaching Standards.)

Item 139 #2c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education Language

**Language:**

Page 134, line 33, after "item" insert:

"; or (iii) those students seeking degrees in Career and Technical education".

**Explanation:**

(This language amendment includes Career & Technical Education based degrees as an eligible criterion for a student to receive a Virginia Teaching Scholarship.)

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Direct Aid To Public Education	\$0	\$250,000	GF

**Language:**

Page 132, line 43, strike "\$6,204,120" and insert "\$6,454,120".

Page 135, after line 23, insert:

"K. Out of this appropriation, \$250,000 the second year from the general fund shall be distributed to the Greater Richmond Area Scholarship Program, Incorporated (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students."

**Explanation:**

(This amendment provides funding of \$250,000 from the general fund in the second year for Greater Richmond Area Scholarship Program, Incorporated (GRASP). This program seeks to increase college attendance and gradation rates for students in need through guidance and financial assistance.)

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Direct Aid To Public Education	\$0	\$75,000	GF

**Language:**

Page 132, line 43, strike "\$6,204,120" and insert "\$6,279,120".

page 133, line 2, strike "\$364,737" and insert "\$439,737".

**Explanation:**

(This amendment provides an additional \$75,000 the second year from the general fund to the Jobs for Virginia Graduates (JVG) initiative. The additional funding will restore a portion of the \$135,263 that was cut in House Bill 1600. JVG is a statewide program that helps at-risk high school students - mainly seniors - to graduate and obtain a job. Lessons taught by career specialists included on-the-job training, developing a resume , and basic job competencies. Once students complete their

studies and are placed in jobs, JVG Career Specialists will track graduates for a year to ensure they become "fully entrenched in the work force." JVG is a proven drop-out prevention intervention that returns to the state 2.75 times the cost required to support the program. JVG is highly accountable and has repeatedly won the Jobs for America's Graduates 5 of 5 Award.)

Item 140 #1c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 149, after line 9, insert:

"25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum."

**Explanation:**

(This amendment is self-explanatory.)

Item 140 #2c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 140, strike line 23.

Page 140, line 24, before "the event", insert "In".

Page 140, line 30, strike "determined", and insert "established".

Page 140, line 30, strike "not", and insert "equal".

Page 140, line 31, strike "be less than".

Page 140, line 31, strike "nor the higher than the highest".

Page 140, line 34, after "governments," insert:

"which shall include the transition of a city to town status".

**Explanation:**

(This amendment provides additional clarifying language for the consolidation



process of school divisions and or local governments as it relates to state funding for public education.)

Item 140 #3c

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Direct Aid To Public Education	\$0	(\$11,851,284)	GF

**Language:**

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,885,057,967".

Page 137, line 11, strike "\$548,494" and insert "\$0".

Page 137, strike line 12.

Page 137, line 16, strike "\$27,517,112" and insert "\$15,665,828".

Page 137, line 50, strike "\$0" and insert "\$11,329,467".

Page 137, line 54, strike "80,612,446" and insert "\$68,733,465".

Page 138, after line 10, insert:

"Supplemental Basic Aid      \$0      \$549,514".

Page 163, line 46, strike "\$80,612,446" and insert "\$68,733,465".

**Explanation:**

(This amendment incorporates a nonparticipation amount of \$11.9 million the second year from the Lottery Proceeds Fund, a non-general fund revenue source, to maintain the Virginia Preschool Initiative (VPI) at the level established by the 2008 General Assembly. The introduced budget assumes 100 percent participation in the VPI program. The amendment also decreases the general fund by a like amount by shifting the Enrollment Loss funding of \$11.3 million and the Supplemental Basic Aid Payment funding of \$549,514 out of the general fund and into the Lottery Proceeds Fund. The \$11.9 million in nonparticipation VPI savings is used to fund these two programs.)

Item 140 #4c

<b>Education: Elementary &amp; Secondary</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Direct Aid To Public Education	\$0	\$1,240,143	GF

**Language:**

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,898,149,394".

Page 137, line 32, strike "\$33,368,119" and insert "\$34,608,262".

Page 137, line 36, strike "\$54,318,931" and insert "\$55,559,074".  
Page 169, line 15, strike "\$33,368,119" and insert "\$34,608,262".

**Explanation:**

(This amendment restores \$1.2 million the second year from the general fund for educational services provided to the Commonwealth Center for Children and Adolescents, located adjacent to the Western State Hospital in Staunton.)

Item 140 #5c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 151, line 45, after "year." insert:

"A school division shall appropriate these funds for textbooks or any other public education expenditure by the school division only in the second year. No local match is required to receive these state funds in the second year only and such local match shall be excluded from the determination of required local effort in the second year pursuant to Item 140 B.8a. through h. and § 22.1-97, Code of Virginia."

Page 151, after line 56 insert:

5) For purposes of calculating rebenchmarking costs for textbooks for the 2012-2014 biennium, the Department of Education shall include the higher of the fiscal year 2009 or fiscal year 2010 division-level textbook per pupil amount in calculating the base year statewide prevailing per pupil amount. For this one year calculation, the Department of Education shall adjust, with one additional year of inflation, any fiscal year 2009 division-level per pupil textbook expenditure data used in calculating the base year statewide prevailing per pupil amount."

**Explanation:**

(This amendment waives the local required match for textbooks. In addition, school divisions may use their textbook allocation for other education expenses. This is a one-time action and will not be continued in the 2010-12 biennium rebenchmarking nor will it adversely affect funding for the 2012-14 biennium.)

Item 140 #6c

**Education: Elementary &  
Secondary**

**Language:**

Page 155, line 44, unstrike "and local".

**Explanation:**

(This amendment removes an incorrect strike-through included in the introduced budget for a required local match for the Remedial Education Payments.)

Item 140 #7c

**Education: Elementary &  
Secondary**

**FY 08-09**

**FY 09-10**

Direct Aid To Public Education

(\$8,012,439)

(\$17,621,195)

GF

**Language:**

- Page 135, line 25, strike "\$6,270,978,730" and insert "\$6,262,966,291".
- Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,879,288,056".
- Page 136, line 23, strike "\$3,446,469,799" and insert "\$3,456,786,337".
- Page 136, line 23, strike "\$3,098,031,157" and insert "\$3,120,359,684".
- Page 136, line 25, strike "\$1,126,230,556" and insert "\$1,107,900,000".
- Page 136, line 25, strike "\$1,175,149,722" and insert "\$1,135,200,000".
- Page 136, line 46, strike "\$5,636,536,506" and insert "\$5,645,966,677".
- Page 136, line 46, strike "\$5,366,721,191" and insert "\$5,367,252,013".
- Page 137, line 11, strike "\$620,592        \$548,494" and insert "\$622,171        \$0".
- Page 137, line 12, strike "\$11,302,790" and insert "\$0".
- Page 137, line 16, strike "\$95,865,356" and insert "\$95,866,935".
- Page 137, line 16, strike "\$27,517,112" and insert "\$15,665,828".
- Page 137, line 32, strike "\$33,368,119" and insert "\$34,608,262".
- Page 137, line 36, strike "\$63,132,678" and insert "\$63,132,677".
- Page 137, line 36, strike "\$54,318,931" and insert "\$55,559,074".
- Page 137, line 50, strike "\$16,232,265        \$0" and insert "\$16,285,103  
\$11,389,914".
- Page 137, line 54, strike "\$80,612,446" and insert "\$68,761,162".
- Page 138, line 3, strike "\$132,254,677        \$0" and insert "\$132,201,839  
\$60,815,976".
- Page 138, line 11, strike "\$60,906,460" and insert "\$0".
- Page 152, line 14, strike "\$222,100,000" and insert "\$218,400,000".
- Page 152, line 15, strike "\$228,500,000" and insert "\$224,800,000".

Page 152, line 26, strike "\$111,050,000" and insert "\$110,034,621".  
Page 152, line 27, strike "\$114,250,000" and insert "\$113,257,009".  
Page 152, line 41, strike "\$109,900,000" and insert "\$108,365,379".  
Page 152, line 42, strike "\$112,600,000" and insert "\$111,542,991".

**Explanation:**

(This amendment is a technical change to adjust the sales tax revenue dedicated to public education to reflect the mid-session reforecast of sales tax revenues per the Department of Taxation which includes all of the final actions taken by the 2009 General Assembly relative to House Bill 1600 / Senate Bill 850. It is the intent of the General Assembly that changes to the funding in this item shall be properly accounted for under the appropriation detail of education assistance programs during the enrollment of House Bill 1600/ Senate Bill 850, as adopted by the 2009 General Assembly.)

Item 140 #8c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 152, strike lines 51 through 60.

Page 153, strike lines 1 through 12 and insert:

“k.1) For the purposes of funding certain support positions in Basic Aid in the second year, a cap is used which is based upon the prevailing ratio of support positions to SOQ funded instructional positions as contained in this item in House Bill 1600/Senate Bill 850, as introduced in the 2009 Session. For the purposes of making the required spending adjustments in the second year, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.

2) The Department of Education shall make its calculation for the total cost of rebenchmarking for the fiscal year 2010-2012 biennium to be consistent with the following methodologies: (i) using the ‘support position funding cap’ methodology change contained in House Bill 1600/Senate Bill 850, as introduced in the 2009 Session; and (ii) using the rebenchmarking methodology which was contained within Chapter 879, from the 2008 Session. The Department of Education shall report the final calculations and related costs derived from each of these methodologies to the

Governor, the Chairmen of House Appropriations and Senate Finance Committees, and the Board of Education prior to September 1, 2009.

3) The Board of Education shall review the current Standards of Quality to evaluate the appropriateness of the existing staffing standards for instructional positions and the appropriateness of establishing ratio standards for support positions, with the objective of maximizing resources devoted to the instructional program. The findings of this review, its associated costs, and its final recommendations for rebenchmarking shall be submitted to the Governor, the Chairmen of House Appropriations and Senate Finance Committees and the Joint Subcommittee on Elementary and Secondary Education Funding established pursuant to Item 1, paragraph H. of this Act no later than November 1, 2009.

4) The Department of Education shall review state laws, regulations, and procedures that could be modified, reduced, or eliminated in an effort to minimize the administrative burden on local school divisions and the Department of Education. The findings from this review shall be submitted to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009.”

**Explanation:**

(This amendment is self-explanatory.)

Item 140 #9c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 138, line 2, strike "\$0" and insert "\$60,906,406".

Page 138, strike line 11.

Page 171, line 24, after "year", insert "and \$60,906,406 the second year".

Page 171, line 28, after "year", insert "and \$91.01 per pupil the second year".

Page 171, line 33, strike "These", and insert "For the first year only, these".

Page 171, line 48, after "above", insert "for the first year".

Page 171, line 47, after "based." insert:

"To receive this funding, the locality in which the school division is located shall appropriate these funds for any public education expenditure of the school division in the second year. Localities shall not be required to provide a local match in the second year in order to receive the state funds."

Page 176, strike lines 1 through 22.

**Explanation:**

(This amendment redistributes the \$60.9 million in the second year from the Lottery Proceeds Fund's Funding Loss Cap account into the Additional Support for School Construction and Other Operating Costs account. It also waives the second year local match requirement and the split for nonrecurring expenses.)

Item 140 #10c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 152, line 51, strike "k." and insert "k.1)".

Page 153, after line 12, insert:

"2) The purpose of the support funding cap included in House Bill 1600 / Senate Bill 850, as introduced was to establish a support personnel ratio to the number of funded Standards of Quality instructional positions. Localities shall not reduce instructional positions below the number of positions required by the Standards of Quality as a result of the support cap. Further, localities shall meet the required local effort amount to fund state funded instructional positions as defined in this item."

**Explanation:**

(This amendment is self-explanatory.)

Item 141 #1c

**Education: Elementary &  
Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 176, after line 31, insert:

"The Department of Education will encourage localities to apply for Medicaid reimbursements for eligible special education expenditures which will help to increase available state and local funding for other educational activities and expenditures."

**Explanation:**

(This amendment is self-explanatory.)

Item 141 #2c

**Education: Elementary & Secondary**

Direct Aid To Public Education

Language

**Language:**

Page 176, line 29, before "The", insert "a."

Page 176, after line 31, insert:

"b. The Department of Education shall allocate the Elementary and Secondary Education portion of the State Fiscal Stabilization Fund in the second year to the local school divisions based upon the proportion that each school division represents to the statewide total funding reduced from Item 140 of House Bill 1600/ Senate Bill 850, as introduced for the change in the support position funding methodology, the elimination of the school construction grants program, and elimination of the school construction component funded from the Lottery Proceeds Fund."

**Explanation:**

(This amendment is self-explanatory.)

Item 147 #1c

**Education: Higher Education**

**FY 08-09**

**FY 09-10**

State Council Of Higher Education  
For Virginia

\$0

\$32,000 GF

**Language:**

Page 178, line 36, strike "\$65,791,295" and insert "\$65,823,295".

Page 179, after line 27, insert:

"d. Out of this appropriation, \$32,000 the second year from the general fund is designated to provide grants of up to \$2,000 per year for Virginia students who attend schools and colleges of optometry. Each student receiving a grant shall agree to set up practice in the Commonwealth for a period of not less than two years upon completion of instruction."

**Explanation:**

(This amendment restores funding for optometry grants and implements a requirement that all grant recipients return to the Commonwealth to set up practice

for at least two years upon completion of optometric instruction.)

Item 147 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$0	\$800,000	GF

**Language:**

Page 178, line 36, strike "\$65,791,295" and insert "\$66,591,295".

Page 181, strike lines 4 through 14 and insert:

"10. The Tuition Assistance Grant Program is reduced by \$1,300,000 from the general fund the second year to begin a phase-out of the awards for all graduate students except those in health-related professional programs to include allied health, nursing, pharmacy, medicine, and osteopathic medicine. Beginning July 1, 2009, no new awards shall be provided to new graduate students except in health-related professional programs to include allied health, nursing, pharmacy, medicine, and osteopathic medicine."

**Explanation:**

(This amendment provides sufficient funding to continue current grants to graduate students under the Tuition Assistance Grant Program. However, no graduate grants will be awarded to new students except for graduate students in health-related fields.)

Item 147 #3c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$0	\$75,000	GF

**Language:**

Page 178, line 36, strike "\$65,791,295" and insert "\$65,866,295".

Page 179, line 26, strike the second "\$170,000" and insert "\$245,000".

**Explanation:**

(This amendment provides from the general fund the state share of science, engineering, and technology research fellowships and scholarships provided under the Virginia Space Grant Consortium.)



<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$0	\$4,017,644	GF

**Language:**

Page 182, line 6, strike "\$75,000" and insert "\$4,092,644".

Page 182, line 8, strike "\$0" and insert "\$4,017,644".

Page 182, line 23, before "from" insert "and \$4,017,644 the second year".

**Explanation:**

(This amendment restores \$4.0 million from the general fund the second year for the Eminent Scholars matching program, or two-thirds of the amount appropriated for fiscal year 2010 during the 2008 Session. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 148 and § 4-1.08 during the enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$0	(\$264,000)	GF

**Language:**

Page 183, line 6, strike "\$11,904,318" and insert "\$11,640,318".

Page 183, line 17, after "to contract", insert:

"at a level equivalent to the Tuition Assistance Grant undergraduate award".

Page 183, line 22, strike "\$571,899" and insert "\$307,899".

**Explanation:**

(This amendment provides for grants under the Virginia Women's Institute for Leadership at Mary Baldwin College to be benchmarked to the Tuition Assistance Grant award for undergraduate students.)

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
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State Council Of Higher Education For Virginia	\$400,699	\$150,000	NGF
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**Language:**

Page 183, line 5, strike "\$11,779,318" and insert "\$12,180,017".

Page 183, line 6, strike "\$11,904,318" and insert "\$12,054,318".

Page 186, after line 39, insert:

"M. Out of this appropriation, \$400,699 from nongeneral funds the first year and \$150,000 from nongeneral funds the second year is designated to cover the costs of federal education support programs. These funds shall be expended out of fund 0280."

**Explanation:**

(This amendment is a technical adjustment to the GEAR-UP program.)

Item 151 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$376,365	\$376,365	NGF

**Language:**

Page 186, line 51, strike "\$2,623,635" and insert "\$3,000,000".

Page 186, line 51, strike "\$2,623,635" and insert "\$3,000,000".

**Explanation:**

(This amendment is a technical adjustment to reflect the amount of the actual GEAR-UP grant.)

Item 151.05 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
State Council Of Higher Education For Virginia	\$0	\$225,000	GF

**Language:**

Page 187, line 8, strike "(\$373,858)" and insert "(\$148,858)".

Page 187, strike lines 12 through 15 and insert:

"Appropriation reductions in this item are guided by, but not mandated in, the items

listed in § 4-1.08 of this act. The State Council of Higher Education for Virginia may initiate reduction strategies other than those listed in § 4-1.08 after having reported such changes to the Chairmen of the House Appropriations and Senate Finance Committees. However, no reduction to amounts listed in Item 147 c. and Item 147 d. shall be initiated unless specifically authorized in this act."

**Explanation:**

(This amendment restores a portion of the budget reductions to the State Council of Higher Education for Virginia (SCHEV) in order to allow them to continue to provide independent analysis and assessment of higher education policies and programs, to include restructuring efforts. The language provides that the remaining reductions are guided by the list of reduction strategies in § 4-1.08 with flexibility to initiate different reduction strategies as necessary. However, no reductions are permitted to Items 147 c. or 147 d. which were specifically restored by the General Assembly in this act. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executing management savings in Items 151.05 and § 4-1.08 during enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 153 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Christopher Newport University	\$0	\$150,960	GF

**Language:**

Page 188, line 19, strike "\$3,773,990" and insert "\$3,924,950".

**Explanation:**

(This amendment provides \$150,960 from the general fund in the second year as part of a systemwide increase to student financial aid of 8.5 percent.)

Item 154 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Christopher Newport University	\$0	\$125,000	GF

**Language:**

Page 188, line 24, strike "\$3,537,720" and insert "\$3,662,720".

**Explanation:**

(This amendment transfers the remaining funding related to Virginia Electronic Commerce Technology Center (VECTEC) from the Innovative Technology Authority to Christopher Newport University which houses the VECTEC. In addition, the amendment also restores the proposed reduction. A companion amendment in Item 430 transfers the funds from the Innovative Technology Authority.)

Item 157 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
The College Of William And Mary In Virginia	\$0	\$109,335	GF

**Language:**

Page 190, line 28, strike "\$8,845,451" and insert "\$8,954,786".

**Explanation:**

(This amendment provides \$109,335 from the general fund in the second year as part of a systemwide increase to student financial aid of 8.5 percent.)

Item 161 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Richard Bland College	\$0	(\$18,544)	GF

**Language:**

Page 193, line 5, strike "\$332,363" and insert "\$313,819".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 167 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
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George Mason University	\$25,000	\$50,000	GF
	0.00	1.00	FTE

**Language:**

Page 196, line 11, strike "\$342,684,030" and insert "\$342,709,030".

Page 196, line 12, strike "\$358,084,030" and insert "\$358,134,030".

Page 197, after line 3, insert:

"Out of this appropriation, \$25,000 the first year and \$50,000 the second year from the General Fund shall be provided to support the Belmont Bay Science Center."

**Explanation:**

(This amendment provides \$25,000 from the general fund the first year and \$50,000 from the general fund the second year to support the Belmont Bay Science Center. A companion amendment moves these funds from the Science Museum of Virginia.)

Item 167 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
George Mason University	\$0	\$300,000	GF

**Language:**

Page 196, line 12, strike "\$358,084,030" and insert "\$358,384,030".

Page 197, after line 3, insert:

"E. Out of this appropriation, \$300,000 the second year from the general fund is designated to present and create innovative performing arts programs for the enrichment and education of diverse audiences and participants in collaboration with regional performing arts organizations."

**Explanation:**

(This amendment provides additional general fund support for performing arts programs in collaboration with regional performing arts organizations.)

Item 168 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
George Mason University	\$0	(\$1,801,191)	GF

**Language:**

Page 197, line 5, strike "\$17,285,327" and insert "\$15,484,136".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 172 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
James Madison University	\$0	(\$374,306)	GF

**Language:**

Page 199, line 29, strike "\$9,940,614" and insert "\$9,566,308".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 176 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Longwood University	\$0	(\$202,291)	GF

**Language:**

Page 201, line 24, strike "\$3,725,438" and insert "\$3,523,147".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 179 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Norfolk State University	\$0	\$500,000	GF
	\$0	\$0	NGF
	0.00	10.00	FTE

**Language:**

Page 202, line 27, strike "\$80,514,158" and insert "\$81,014,158".

**Explanation:**

(This amendment provides \$500,000 from the general fund the second year for the existing PhD program in materials science at Norfolk State University.)

Item 180 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Norfolk State University	\$0	(\$111,727)	GF

**Language:**

Page 204, line 11, strike "\$11,766,055" and insert "\$11,654,328".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 184 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Old Dominion University	\$0	(\$1,433,388)	GF

**Language:**

Page 207, line 19, strike "\$17,205,505" and insert "\$15,772,117".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 188 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Radford University	\$0	(\$210,761)	GF

**Language:**

Page 210, line 29, strike "\$8,324,411" and insert "\$8,113,650".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 192 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
University Of Mary Washington	\$0	\$17,442	GF

**Language:**

Page 212, line 17, strike "\$1,451,262" and insert "\$1,468,704".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 198 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
University Of Virginia	\$0	\$196,094	GF

**Language:**

Page 216, line 42, strike "\$58,548,572" and insert "\$58,744,666".

**Explanation:**

(This amendment provides \$196,094 from the general fund in the second year as part of a systemwide increase to student financial aid of 8.5 percent.)

Item 205 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
University Of Virginia's College At	\$0	\$48,516	GF



Wise

**Language:**

Page 220, line 34, strike "\$1,713,956" and insert "\$1,762,472".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 209 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Commonwealth University	\$0	(\$2,602,017)	GF

**Language:**

Page 225, line 47, strike "\$26,502,039" and insert "\$23,900,022".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 214 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Community College System	\$0	(\$8,779,937)	GF

**Language:**

Page 232, line 19, strike "\$223,755,598" and insert "\$214,975,661".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 216 #1c

**Education: Higher Education**

Virginia Community College  
System

Language

**Language:**

Page 233, line 2, strike "the first of three annual" and insert:  
"training costs for the".

Page 233, strike lines 3 and 4.

**Explanation:**

(This amendment clarifies that the funding proposed in the introduced budget is for training costs.)

Item 220 #1c

**Education: Higher Education**

Virginia Military Institute

**FY 08-09**

\$0

**FY 09-10**

\$28,870 GF

**Language:**

Page 234, line 35, strike "\$1,271,762" and insert "\$1,300,632".

**Explanation:**

(This amendment provides \$28,870 from the general fund in the second year as part of a systemwide increase to student financial aid of 8.5 percent.)

Item 225 #1c

**Education: Higher Education**

Virginia Polytechnic Institute And  
State University

**FY 08-09**

\$0

**FY 09-10**

\$510,293 GF

**Language:**

Page 237, line 32, strike "\$17,150,905" and insert "\$17,661,198".

**Explanation:**

(This amendment provides \$510,293 from the general fund in the second year as part of a systemwide increase to student financial aid of 8.5 percent.)

Item 230 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia State University	\$0	(\$500,000)	GF

**Language:**

Page 241, line 29, strike "\$68,808,796" and insert "\$68,308,796".

**Explanation:**

(This amendment adjusts the new funding for the logistics program at Virginia State University.)

Item 231 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia State University	\$0	(\$1,416,494)	GF

**Language:**

Page 243, line 12, strike "\$7,740,310" and insert "\$6,323,816".

**Explanation:**

(This amendment adjusts the amounts recommended in the introduced budget to result in a systemwide increase to student financial aid of 8.5 percent in fiscal year 2010.)

Item 242 #1c

**Education: Other**

The Science Museum Of Virginia

Language

**Language:**

Page 250, after line 21, insert:

"D. The Virginia Aviation Museum in Richmond, Virginia and the Virginia Air and Space Center in Hampton, Virginia shall jointly report to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2009 on the possibility of the merger of the two entities in order to provide greater educational and cultural opportunities for the citizens of Virginia. The report shall include, but not be limited

to, (1) the effectiveness and costs of maintaining a satellite facility, (2) the funding requirements of a merged facility, and (3) the disposition of the current assets of the facility to be merged including land, buildings, and exhibits under various merger scenarios."

**Explanation:**

(This amendment is self-explanatory.)

Item 242 #2c

<b>Education: Other</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
The Science Museum Of Virginia	(\$25,000)	(\$50,000)	GF
	0.00	-1.00	FTE

**Language:**

Page 249, line 45, strike "\$10,916,886" and insert "\$10,891,886".  
 Page 249, line 45, strike "\$10,872,686" and insert "\$10,822,686".  
 Page 250, strike lines 17 through 21.

**Explanation:**

(This amendment reduces the appropriation of the Science Museum of Virginia for support of the Belmont Bay Science Center by \$25,000 from the general fund the first year and \$50,000 from the general fund and one position the second year. A companion amendment transfers these funds to George Mason University.)

Item 249.05 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Institute For Advanced Learning And Research	\$0	\$240,000	GF

**Language:**

Page 254, line 40, strike "(\$656,060)" and insert "(\$416,060)".  
 Page 254, strike line 44.  
 Page 255, strike lines 1 through 3 and insert:  
 "Appropriation reductions in this item are guided by, but not mandated in, the items listed in § 4-1.08 of this act. The Institute for Advanced Learning and Research may initiate other reduction strategies other than those listed in § 4-1.08 with the approval of the Governor and after having reported such changes to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment restores a portion of the budget reductions to the Institute for Advanced Learning and Research. The language provides that the remaining reductions are guided by the list of reduction strategies in § 4-1.08 with flexibility to initiate different reduction strategies as necessary. This restoration equalizes the reductions for this institution with other higher education centers. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executing management savings in Items 249.05 and § 4-1.08 during enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 250.05 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Roanoke Higher Education Authority	\$0	\$60,000	GF

**Language:**

Page 255, line 15, strike "\$131,839" and insert "\$71,839".

Page 255, strike lines 19 through 22 and insert:

"Appropriation reductions in this item are guided by, but not mandated in, the items listed in § 4-1.08 of this act. The Roanoke Higher Education Authority may initiate other reduction strategies other than those listed in § 4-1.08 with the approval of the Governor and after having reported such changes to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment restores a portion of the budget reductions to the Roanoke Higher Education Authority. The language provides that the remaining reductions are guided by the list of reduction strategies in § 4-1.08 with flexibility to initiate different reduction strategies as necessary. This restoration equalizes the reductions for this institution with other higher education centers. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executing management savings in Items 250.05 and § 4-1.08 during enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 251.05 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Southern Virginia Higher Education Center	\$0	\$208,708	GF

**Language:**

Page 256, line 17, strike "\$208,708" and insert "\$0".

Page 256, strike lines 22 through 25 and insert:

"Appropriation reductions in this item are guided by, but not mandated in, the items listed in § 4-1.08 of this act. The Southern Virginia Higher Education Center may initiate other reduction strategies other than those listed in § 4-1.08 with the approval of the Governor and after having reported such changes to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment restores the budget reductions to the Southern Virginia Higher Education Center. The language provides that the remaining reductions are guided by the list of reduction strategies in § 4-1.08 with flexibility to initiate different reduction strategies as necessary. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executing management savings in Items 251.05 and § 4-1.08 during enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 252.05 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Southwest Virginia Higher Education Center	\$0	\$80,000	GF

**Language:**

Page 257, line 1, strike "\$218,913" and insert "\$138,913".

Page 257, strike lines 5 through 8 and insert:

"Appropriation reductions in this item are guided by, but not mandated in, the items listed in § 4-1.08 of this act. The Southwest Virginia Higher Education Center may initiate other reduction strategies other than those listed in § 4-1.08 with the approval of the Governor and after having reported such changes to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment restores a portion of the budget reductions to the Southwest Virginia Higher Education Center. The language provides that the remaining

reductions are guided by the list of reduction strategies in § 4-1.08 with flexibility to initiate different reduction strategies as necessary. This restoration equalizes the reductions for this institution with other higher education centers. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executing management savings in Items 252.05 and § 4-1.08 during enrollment of House Bill 1600, as adopted by the 2009 General Assembly.)

Item 254 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Higher Education Research Initiative	\$0	(\$1,000,000)	GF

**Language:**

Page 258, line 3, strike "\$7,500,000" and insert "\$6,500,000".

Page 258, line 8, strike "and \$1,000,000 the second year".

**Explanation:**

(This amendment reduces general funds in the second year by \$1.0 million for the higher education research initiative. A companion amendment in item 475.50 provides federal funds under the American Recovery and Reinvestment Act of 2009 for this purpose.)

Item 254 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Higher Education Research Initiative	\$0	\$100,000	GF

**Language:**

Page 258, line 3, strike "\$7,500,000" and insert "\$7,600,000".

Page 258, line 47, strike "\$500,000" and insert "\$600,000".

**Explanation:**

(This amendment provides an increase for the proton beam research project at Hampton University.)

Item 264 #1c

<b>Finance</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Accounts Transfer Payments	\$403,143	\$404,651	GF

**Language:**

Page 268, line 4, strike "\$118,086,997" and insert "\$118,490,140".

Page 268, line 4, strike "\$117,655,843" and insert "\$118,060,494".

**Explanation:**

(This amendment adjusts the fiscal year 2009 and fiscal year 2010 transfer payments to localities to reflect actual distributions for Rolling Stock Taxes and Tennessee Valley Authority Payments in Lieu of Taxes. A companion amendment to revenues provides the same amount of additional revenue.)

Item 268 #1c

**Finance**

Department Of Planning And Budget

Language

**Language:**

Page 275, after line 40, insert:

"G. Out of the unexpended general fund balances remaining on June 30, 2008, for Planning, Budgeting, and Evaluation Services in Item 468 of this act, the Director of the Department of Planning and Budget shall unallot and revert to the general fund an amount equal to \$500,000 on or before June 30, 2009."

**Explanation:**

(This amendment requires that, on or before June 30, 2009, the Director of the Department of Planning and Budget unallot and revert to the general fund an amount equal to \$500,000 from the June 30, 2008 general fund balances of the Productivity Investment Fund.)

Item 269 #1c

**Finance**

Department Of Taxation

Language

**Language:**



Page 276, line 13, before “The” insert “A.”.

Page 276, after line 24, insert:

“B. The Department of Taxation shall convene a working group to review and make recommendations, on or before November 30, 2009, to the Senate Finance Committee and to the House Finance Committee with respect to the basis on which recordation and grantor taxes are calculated on the transfer of real estate to the actual consideration for the real estate. The working group shall be comprised of representatives of interested parties identified by the Tax Commissioner, and shall include, without limitation, representatives of associations representing real estate businesses in Virginia, the Virginia Association of Realtors, the Virginia Court Clerks Association, the Virginia Association of Counties, and the Virginia Municipal League. The working group shall consider enforcement and implementation issues associated with § 58.1-812 of the Code of Virginia. The working group shall also review the fiscal impacts related to the current law and to proposed changes in the law. The fiscal impacts on state and local governments and the housing industry will be reviewed in terms of order of magnitude.”

**Explanation:**

(This amendment is a companion to Senate Bill 1157 (2009). It requires the Tax Department to convene a working group to examine the basis on which recordation and grantor taxes are calculated.)

Item 270 #1c

**Finance**

Department Of Taxation

Language

**Language:**

Page 277, after line 51, insert:

"I. The Department of Taxation shall (1) secure and utilize software based on Global Positioning System data in the allocation to localities of the one percent local option sales and use tax, (2) modify remittance forms as appropriate to require each in-state vendor filing a consolidated return to report how many places of business that the vendor has in each locality, (3) provide localities with increased computer systems access to information-only data in order to facilitate local input in error identification, and (4) report to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2009, on options for providing incentives and/or penalties for erroneous reporting of sales and use tax data by merchants."

**Explanation:**

(This amendment is self-explanatory.)

Item 270 #2c

**Finance**

Department Of Taxation

Language

**Language:**

Page 277, after line 51, insert:

"I. Upon request of the Secretary of Finance, the State Comptroller shall grant the Department of Taxation a treasury loan for the planning and implementation of the Virginia Tax Amnesty Program, estimated to be \$6,951,928. Repayment of this loan will be from the gross revenues generated by the amnesty program."

**Explanation:**

(This amendment is self-explanatory.)

Item 270 #3c

**Finance**

Department Of Taxation

Language

**Language:**

Page 277, after line 51, insert:

"I. The Department of Taxation is hereby appropriated revenues from the digital media fee imposed pursuant to § 58.1-1731, Code of Virginia, to recover the direct cost of administration incurred by the department in implementing and collecting such fee. Documented costs incurred in fiscal year 2009, up to a total \$320,000, may be recovered from fees remitted in fiscal year 2010."

**Explanation:**

(This amendment is self-explanatory.)

Item 270 #4c

**Finance**

Department Of Taxation

**FY 08-09**

**FY 09-10**

\$0

\$549,492 GF

**Language:**

Page 276, line 26, strike "\$60,807,983" and insert "\$61,357,475".

**Explanation:**

(This amendment provides \$549,492 from the general fund the second year for implementation of Senate Bill 905 (2009), which requires the Department of Taxation to provide a taxpayer's representative with a power of attorney copies of any written correspondence or other written materials that were provided to the taxpayer.)

Item 270 #5c

**Finance**

Department Of Taxation

Language

**Language:**

Page 277, after line 51, insert:

"I. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by the Department of Taxation."

**Explanation:**

(This amendment provides for the provision of a treasury loan to the Department of Taxation to modify its computer systems so that the agency may begin the collection of delinquent local taxes from offsets of federal income tax refunds. This treasury loan is to be extended only upon adoption of federal legislation permitting the use of federal income tax refund offsets for satisfying outstanding local taxes.)

Item 274 #1c

**Finance**

Department Of The Treasury

Language

**Language:**

Page 280, after line 12, insert:

"C. Notwithstanding the provisions of § 15.2-4518.13 and § 15.2-4526, Code of

Virginia, the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission are authorized to obtain liability policies for the Commissions' joint project, the Virginia Railway Express, consisting of liability insurance and a program of self-insurance maintained by the Commissions and administered by the Virginia Division of Risk Management or by an independent third party selected by the Commissions, which liability policies shall be deemed to meet the requirements of § 8.01-195.3, Code of Virginia. In addition, the Director of the Department of Rail and Public Transportation is authorized to work with the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission to obtain the foregoing liability policies for the Commissions. In obtaining liability policies, the Director of the Department of Rail and Public Transportation shall advise the Commissions regarding compliance with all applicable public procurement and administrative guidelines."

Page 280, line 13, strike "C." and insert "D."

**Explanation:**

(This amendment allows the Northern Virginia and Potomac Rappahannock Transportation Commissions, in cooperation with the Department of Rail and Public Transportation, to competitively procure liability insurance from either public or private providers for the Virginia Railway Express.)

Item 274 #2c

<b>Finance</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of The Treasury	\$0	\$259,995	GF

**Language:**

Page 279, line 44, strike "\$8,007,094" and insert "\$8,267,089".

Page 280, after line 20, insert:

"D.1. Out of the amounts provided for Insurance Services, there shall be paid for the relief of Teddy Pierries Thompson from the general fund of the state treasury, upon execution of a release and waiver forever releasing (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia, and (iii) all other parties of interest from any present or future claims he may have against such enumerated parties in connection with the aforesaid occurrence: (a) the sum of \$51,999, to be paid to Teddy Pierries Thompson on or before August 1, 2009, by check issued by the State Treasurer on warrant of the Comptroller and (b) the sum of \$207,996 to be used by the State Treasurer to purchase an annuity for the primary benefit of Teddy Pierries Thompson providing for equal monthly payments for a

period of 25 years commencing on or before September 1, 2009.

2. The State Treasurer shall purchase the annuity for Teddy Pierries Thompson at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity."

**Explanation:**

(This amendment provides funding for the relief of Teddy Pierries Thompson, who was wrongfully incarcerated for six years.)

Item 277 #1c

**Finance**

Treasury Board

**FY 08-09**

\$0

**FY 09-10**

(\$2,633,289) GF

**Language:**

Page 282, line 48, strike "\$2,633,289" and insert "\$0".

Page 283, line 7, after "B.", insert "1."

Page 283, line 15, insert:

"2. The Governor is authorized to use \$2,633,289 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment captures the general appropriation provided for two jail reimbursement projects in the second year. Item 475.50 of this act authorizes the Governor to use \$2.6 million from the American Reinvestment and Recovery Act of 2009 for the reimbursement of certain jail construction costs.)

Item 280 #1c

**Finance**

Treasury Board

Language

**Language:**

Page 285, strike lines 38 to 58.

Page 286, strike lines 1 to 16.

Page 285, line 38, insert:

"2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

<b>Project</b>	<b>Commonwealth Share of Approved Capital Costs</b>
Loudoun County Adult Detention Center Phase 2	8,389,677
Virginia Beach City Jail Expansion & Renovation	11,302,749
Rappahannock Regional Jail Expansion	24,417,429
Riverside Regional Jail Expansion Phase 2	41,662,121
Western Virginia Regional Jail	46,806,831
Blue Ridge Regional Jail	31,664,995
Prince William /Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations) (subject to Board of Corrections approval by June 1, 2009)	30,519,905
Meherrin River Regional Jail	50,000,000
New River Valley Regional Jail	29,868,567
Newport News Public Safety Renovations	428,125
Patrick County Jail	2,689,032
<b>Total Approved Capital Costs</b>	<b>277,749,431</b>

b. Subject to the approval of the Board of Corrections of the final expenditures for the Prince William/Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations), the state share of the approved capital cost for this project shall not exceed \$30,519,905.

c. Subject to the approval of the Board of Corrections, the Commonwealth's share of the the total cost of construction for Meherrin River Regional Jail shall not exceed \$50,000,000. Reimbursement of the Commonwealth's portion of the construction costs of this project will not occur before July 1, 2012.

d. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia."

**Explanation:**

(This amendment sets out the Virginia Public Building Authority bond authorization for each local or regional jail project eligible to receive a contribution from the Commonwealth.)

Item 280 #2c

<b>Finance</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Treasury Board	(\$761,080)	(\$790,492)	GF

**Language:**

Page 283, line 46, strike "\$452,954,149" and insert "\$452,193,069".

Page 283, line 46, strike "\$526,840,569" and insert "\$526,050,077".

**Explanation:**

(This amendment captures additional general fund debt service savings.)

Item 280 #3c

<b>Finance</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Treasury Board	\$0	(\$6,000,000)	GF

**Language:**

Page 283, line 46, strike "\$526,840,569" and insert "\$520,840,569".

Page 286, line 40, strike "\$100,412,301" and insert "\$94,412,301".

Page 286, line 56, strike "\$151,806,551" and insert "\$145,806,551".

**Explanation:**

(This amendment captures a portion of the proposed debt service increase in the introduced budget based on revised interest rate assumptions.)

Item 280 #4c

<b>Finance</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Treasury Board	\$0	(\$9,995,770)	GF
	\$0	\$9,995,770	NGF

**Language:**

Page 287, strike lines 6 to 24.

Page 287, after line 24, insert:

"Institution	FY 2009	FY 2010	FY 2010
George Mason University	\$311,338	<del>\$311,338</del>	\$1,124,340
Old Dominion University	\$193,298	<del>\$193,298</del>	\$565,155
University of Virginia	\$760,448	<del>\$760,448</del>	\$2,830,205
Virginia Polytechnic Institute and State University	\$794,424	<del>\$794,424</del>	\$2,600,180
Virginia Commonwealth University	\$289,108	<del>\$289,108</del>	\$1,237,060
College of William and Mary	\$241,596	<del>\$241,596</del>	\$769,745
Christopher Newport University	\$11,324	<del>\$11,324</del>	\$57,130
University of Virginia's College at Wise	\$7,800	<del>\$7,800</del>	\$26,960
James Madison University	\$457,402	<del>\$457,402</del>	\$1,569,990
Norfolk State University	\$113,258	<del>\$113,258</del>	\$286,560
Longwood University	\$21,646	<del>\$21,646</del>	\$76,210
University of Mary Washington	\$102,204	<del>\$102,204</del>	\$292,450
Radford University	\$71,570	<del>\$71,570</del>	\$205,840
Virginia Military Institute	\$65,262	<del>\$65,262</del>	\$191,055
Virginia State University	\$142,136	<del>\$142,136</del>	\$405,790
Richard Bland College	\$1,448	<del>\$1,448</del>	\$3,440
Virginia Community College System	\$415,738	<del>\$415,738</del>	\$1,753,660
TOTAL	\$4,000,000	<del>\$4,000,000</del>	\$13,995,770".

**Explanation:**

(This amendment captures savings of \$10.0 million from the general fund the second year by increasing the capital fee for out-of-state students to \$10 per credit hour and distributes the revenue among the institutions of higher education based on the distribution of out of state credit hours as reported by the State Council for Higher Education in Virginia.)

Item 282 #1c

**Health And Human Resources**

Secretary Of Health And Human Resources

Language

**Language:**

Page 292, after line 59, insert:

"E. The Secretary of Health and Human Resources shall convene appropriate cabinet-level Secretaries and state agency personnel along with individuals chosen by their respective association to represent community-based services and supports. The represented services and supports shall include but not be limited to: caregiver supports, home health, home modifications, home repair services, homemaker services, independent living skills, intellectual disability supports and services, life-coaching and life-skill services, mental health services, mobility supports, nutrition, social support, specific disease advocacy, therapies and transportation.



The blueprint shall span to the year 2025 for planning purposes and shall be comprehensive, not limited to traditional health and human service issues, but rather broad-based issues of active, daily life in our communities with a variety of service models. The blueprint shall build upon the most recent four-year plan for aging services pursuant to § 2.2-703.1, the No Wrong Door initiative and the Older Dominion Partnership. The blueprint shall be presented to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than June 30, 2010."

**Explanation:**

(This amendment requires the Secretary of Health and Human Resources to develop a blueprint for addressing the comprehensive needs of aging Virginians with the involvement of interested parties.)

Item 282 #2c

**Health And Human Resources**

Secretary Of Health And Human Resources

Language

**Language:**

Page 292, after line 59, insert:

"E. On October 1 of each year, the Secretary of Health and Human Resources shall prepare and submit fund balance statements to the Chairmen of the Senate Finance and House Appropriations Committees for agencies within the secretariat that oversee funds that generate annual revenues in excess of \$1.0 million in the prior fiscal year. The Secretary shall report annual revenues, expenditures, and transfers for each fund subject to this criteria."

**Explanation:**

(This amendment requires the Secretary of Health and Human Resources to report fund balance information for state agencies within the Secretariat that have funds that exceed annual revenues of \$1.0 million. The introduced budget includes \$65.0 million in agency balance transfers. This reporting requirement will allow for better oversight of agency fund balances within HHR.)

Item 283 #1c

**Health And Human Resources**

Comprehensive Services For

**FY 08-09**  
(\$2,000,000)

**FY 09-10**  
(\$1,000,000) GF

## At-Risk Youth And Families

### **Language:**

Page 293, line 16, strike "\$361,491,012" and insert "\$359,491,012".

Page 293, line 16, strike "\$377,213,889" and insert "\$376,213,889".

### **Explanation:**

(This amendment reduces \$2.0 million the first year and \$1.0 million the second year from the general fund to reflect slower caseload growth in CSA. In fiscal year 2008, \$14.3 million from the general fund was budgeted for children entering CSA through parental agreements. Actual spending was closer to \$2.1 million from the general fund. The introduced budget included a reduction in funding of \$5.0 million from the general fund each year; this amendment reduces funding by an additional amount each year, reflecting slower growth than anticipated during the biennium.)

Item 283 #2c

## **Health And Human Resources**

Comprehensive Services For  
At-Risk Youth And Families

Language

### **Language:**

Page 297, after line 57, insert:

"e. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Comprehensive Services Act for At-Risk Youth and Families program, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Comprehensive Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services."

### **Explanation:**

(This amendment adds budget language to require local Community Policy and

Management Teams (CPMTs) and Community Services Boards (CSBs) to work collaboratively on developing local plans for intensive care coordination (ICC) for children placed in, or at risk of placement in, residential care and to determine the service provider for these services. Finally, language requires the State Executive Council and Office of Comprehensive Services to develop guidelines for reasonable rates for ICC services and provide training and technical assistance for these services.)

Item 283 #3c

## **Health And Human Resources**

Comprehensive Services For  
At-Risk Youth And Families

Language

### **Language:**

Page 295, line 26, after "measures," insert:

"building community-based services, including creation of partnerships with private providers and non-profit groups,".

Page 295, line 31, after "paragraph.", insert:

"A training plan shall be presented to, and approved by, the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year."

### **Explanation:**

(This amendment requires the Office of Comprehensive Services to develop a plan for conducting training sessions during the fiscal year. In addition, language is added requiring reporting on training session dates, programs, trainers, evaluations and funds expended beginning December 1 of each year.)

Item 283 #4c

**Health And Human Resources**

Comprehensive Services For  
At-Risk Youth And Families

Language

**Language:**

Page 297, line 38, after the first "for", insert "non-Medicaid".

Page 297, line 43, after "for", insert "non-Medicaid".

Page 297, line 47, after "expenditures.", insert:

"The local match rate for all Medicaid services in both years shall be based on the match rate in place on September 1, 2008."

**Explanation:**

(This amendment adds language in the Comprehensive Services Act for At-Risk Youth and Families to clarify that local match rates for Medicaid-funded services provided through the CSA program are not reduced during the 2008-10 biennium. Any increases in local Medicaid match rates would violate local cost sharing requirements included within the federal American Recovery and Reinvestment Act of 2009, thus jeopardizing \$962 million in federal Medicaid revenue to the Commonwealth.)

Item 283 #5c

**Health And Human Resources**

Comprehensive Services For  
At-Risk Youth And Families

Language

**Language:**

Page 299, after line 57, insert:

"N. The State Executive Council shall work with the Department of Education to ensure that funding in this item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP)."

**Explanation:**

(This amendment directs the State Executive Council of the Office of Comprehensive Services to work with the Department of Education to make sure that funding is sufficient to pay for the educational services of children placed in state or privately operated facilities.)

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department For The Aging	\$0	\$67,163	GF

**Language:**

Page 300, line 17, strike "\$30,328,128" and insert "\$30,395,291".

Page 302, line 38, after "year", insert "and \$67,163 the second year".

**Explanation:**

(This amendment maintains general funds totaling \$67,163 the second year for transportation services for low-income elderly individuals provided by the Central Virginia Area Agency on Aging.)

**Health And Human Resources**  
 Department For The Deaf And  
 Hard-Of-Hearing

Language

**Language:**

Page 304, unstrike lines 34 through 35.

Page 304, line 34, strike "105" and insert "90".

Page 304, line 35, after "positions.", insert:

"However, if the workforce level drops below 90 positions due to attrition, voluntary separations, transfers, voluntary retirements, and disability retirements, the Center is prohibited from filling vacant positions, unless employment at the Center drops below 75 positions."

**Explanation:**

(This amendment restores language deleted in the introduced budget which would require the Department to include a provision in its Request for Proposals for deaf and hard-of-hearing relay services that the Norton Relay Center maintain a minimum 105 full-time equivalent positions. Language is modified to change the minimum number of positions maintained by the Relay Center from 105 to 90. This reduction in workforce at the Relay Center will be achieved only through voluntary separations, retirements, transfers and disability retirements. Language is also modified to prohibit the Center from filling vacant positions unless employment drops below 75 positions.)

**Health And Human Resources**

Department Of Health

Language

**Language:**

Page 306, line 44, strike "2,645,375" and insert: "1,645,375".

Page 306, line 49, strike "1,600,000" and insert "600,000".

Page 306, line 50, after "from", insert "a portion of".

**Explanation:**

(This amendment adds language reducing the amount of funding contained in the introduced budget which diverts \$0.25 from an increase in \$4 for Life Funding for the Department of State Police's med-flight operations. In 2008, the General Assembly increased \$4 for Life Funding from \$4.00 to \$4.25. Funding was to be deposited to the Rescue Squad Assistance Fund (RSAF). This language amendment restores \$1.0 million of that proposed reduction to the RSAF. A companion amendment in Item 420 for the Department of State Police restores \$1.0 million from the general fund for med-flight, which was reduced in the introduced budget.)

**Health And Human Resources**

Department Of Health

Language

**Language:**

Page 307, after line 51, insert:

"C. The Department of Health shall examine the feasibility of developing a mechanism to make available a birth certificate suitable for display, otherwise referred to as an "Heirloom" birth certificate (HBC). As part of the feasibility analysis, the Department shall determine the impact of imposing a fee for HBC orders which would cover all administrative costs to the Office of Vital Records for developing this program and processing HBC orders. The Office shall examine whether other states have implemented such a program, what fees are imposed, the costs of running such a program, and how much revenue other states collect from the program. The Department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009."

**Explanation:**

(This amendment requires the Virginia Department of Health to examine the feasibility of developing an "Heirloom" birth certificate, and establishing a fee

sufficient to cover the costs of developing and processing requests for such certificate. Language also requires a report back to the money committees.)

Item 294 #1c

## **Health And Human Resources**

Department Of Health

Language

### **Language:**

Page 309, line 15, strike "the first year only".

Page 309, line 29, strike "the first year".

Page 309, line 30, strike "only".

Page 309, strike lines 33 through 52.

Page 309, line 53, strike "D." and insert "C."

Page 310, line 8, strike "E." and insert "D."

Page 310, line 17, strike "F." and insert "E."

### **Explanation:**

(This amendment restores funding from excess fee revenues for Regional Health Planning Agencies (RHPAs). Language in the introduced budget eliminated funding for RHPAs beginning July 1, 2009. This amendment also removes new language eliminating the role of RHPAs in the certificate of public need (COPN) process.)

Item 295 #1c

## **Health And Human Resources**

Department Of Health

Language

### **Language:**

Page 311, after line 32, insert:

"G. The Commissioner of the Department of Health, in cooperation with the Director of the Division of Women, Infants, and Children (WIC) and Community Nutrition Services, shall provide a written report not later than December 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on (i) the progress of the multi-state procurement of a multi-state computerized database "WIC System" known formally as the Crossroads Design, Development and Implementation WIC System; (ii) the division's efforts to ensure that in designing and successfully procuring the WIC System that adequate participant access can be achieved without the current use of slotting or other similar vendor-limiting criteria and the system allows peer groups to be changed to reflect marketplace dynamics and

ensure a more equitable vendor comparison; and (iii) the division's efforts to coordinate these changes in collaboration with the division's existing Retail Advisory Groups and other stakeholders."

**Explanation:**

(This amendment requires the Commissioner of Health to report annually on the progress of the development and procurement of a multi-state computerized data system for the Women, Infants, and Children program.)

Item 296 #1c

**Health And Human Resources**

Department Of Health

Language

**Language:**

Page 312, after line 49, insert:

"6. The Commissioner of Health shall appoint two manufacturers to the Advisory Committee on Sewage Handling and Disposal, representing one system installer and the Association of Onsite Soil Engineers."

**Explanation:**

(This amendment adds language to add two members to the Advisory Committee on Sewage Handling and Disposal to allow for input from manufacturers on sewage handling and disposal issues. The advisory committee provides the Commissioner of Health with advice on regulations and policies.)

Item 297 #1c

**Health And Human Resources**

Department Of Health

**FY 08-09**

**FY 09-10**

\$0

\$1,049,691 GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$16,306,713".

Page 319, line 22, strike "500,000" and insert "1,549,691".

Page 319, strike lines 24 through 26.

**Explanation:**

(This amendment restores \$1.0 million the second year from the general fund to maintain current funding for the Commonwealth's three Poison Control Centers. It also removes language that proposed to consolidate funding at one center.)



<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$63,750	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$15,320,772".

Page 318, line 51, after "Emporia," insert:

"and \$63,750 the second year from the general fund to the pilot project in Emporia".

**Explanation:**

(This amendment restores \$63,750 from the general fund the second year to maintain funding for a certified nurse midwife to continue the prenatal care pilot project in the city of Emporia and Greensville County. This one-time funding will allow the project to continue without state support after June 30, 2010. Funding for the pilot projects was eliminated in the Governor's introduced budget. Federal funding has been earmarked for the project in the Northern Neck, so funding is not restored for that site. The pilot project is designed to expand access to prenatal and obstetrical care for women who have lost access to these services at rural community hospitals. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Items 301.05 and 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.)

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$150,000	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$15,407,022".

Page 315, line 12 strike "and".

Page 315, line 13, strike "\$750,000 the second year".

Page 315, line 35, strike "900,000" and insert "1,800,000".

**Explanation:**

(This amendment maintains an increase provided to community health centers at \$1.8 million from the general fund each year. Last session, \$1.8 million from the general fund was provided the first year and \$900,000 from the general fund the

second year for community health centers to address increasing caseloads. This amendment adds \$150,000 from the general fund the second year and redirects \$750,000 from the general fund the second year for operating costs; in prior years this funding has been used to expand or develop new community health centers for operating costs.)

Item 297 #4c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$850,000	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$16,107,022".

Page 316, line 12, strike "850,000" and insert "1,700,000".

**Explanation:**

(This amendment provides \$850,000 from the general fund the second year to address the increasing need for health care services for low income Virginians at free clinics. Last session, \$1.7 million from the general fund the first year and \$850,000 from the general fund the second year was provided for free clinics to address rising caseloads at their facilities. This amendment maintains funding at \$1.7 million from the general fund the second year.)

Item 297 #5c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$290,957	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$15,547,979".

Page 317, line 58, unstrike the stricken language.

**Explanation:**

(This amendment restores \$290,957 from the general fund the second year for Virginia Health Information (VHI). The introduced budget eliminated general fund support for VHI in fiscal year 2010, which supports the administration of the patient level database, including the Outpatient Data Reporting System. It is the intent that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Items 301.05 and 4-1.08 during the enrollment of House Bill 1600, as adopted by the 2009

General Assembly.)

Item 297 #6c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$25,000	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$15,282,022".

Page 316, line 26, strike "20,000" and insert "45,000".

**Explanation:**

(This amendment restores funding the second year to the Jeanie Schmidt Free Clinic and provides funding to meet a portion of the growth in clinic patients.)

Item 297 #7c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$50,000	GF

**Language:**

Page 313, line 44, strike "\$15,257,022" and insert "\$15,307,022".

Page 315, after line 49, and insert:

"Out of this appropriation, \$50,000 the second year from the general fund shall be provided to the Community Health Center of the Rappahannock Region".

**Explanation:**

(This amendment provides \$50,000 the second year to the Community Health Center of the Rappahannock Region to meet the growth in clinic patients.)

Item 298 #1c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	(\$2,600,000)	GF

**Language:**

Page 319, line 27, strike "\$32,774,958" and insert "\$30,174,958".

Page 319, line 52, strike "and \$2,600,000 the second year".

**Explanation:**

(This amendment reduces \$2.6 million from the general fund the second year for

drinking water infrastructure improvements in local communities. Item 475.50 of this Act authorizes the Governor to use \$2.6 million from the ARRA to provide funding for drinking water infrastructure improvements in local communities.)

Item 301.05 #1c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Health	\$0	\$60,000	GF

**Language:**

Page 321, line 5, strike "\$12,773,634" and insert "\$12,713,634".

**Explanation:**

(This amendment restores a \$60,000 general fund appropriation to the Department of Health for fiscal year 2010. The strategy to transfer bedding fee revenues from the Department's Bedding and Upholstery Sanitation Fund to the general fund was erroneously reflected as an appropriation reduction instead of a cash transfer. Companion amendments to page 1 and § 3.1-01 increase the nongeneral fund cash transfer amount for the department.)

Item 303 #1c

<b>Health And Human Resources</b>	
Department Of Health Professions	

Language

**Language:**

Page 321, line 40, before "That," insert "A."

Page 321, after line 45, insert:

"B. The Board of Pharmacy shall work with the Secretary of Health and Human Resources and the Department of State Police to continue planning for the development of an unused pharmaceuticals disposal program to ensure the safe, effective, and proper disposal of unused pharmaceuticals. As part of its work, the Board shall work to identify any sources of state, federal, local or private funding which can be used to implement the program. The Board shall report on its progress on planning for the program and identify potential funding sources to the House Appropriations and Senate Finance Committees by November 15, 2009."

**Explanation:**

(This amendment is self-explanatory.)

**Health And Human Resources**

Department Of Health Professions

Language

**Language:**

Page 321, line 40, before "That," insert "A."

Page 321, after line 45, insert:

"B. Notwithstanding the provisions of Chapter 27 of Title 54.1 of the Code of Virginia, the Board of Dentistry shall revise its regulations pertaining to the licensure of dentists and dental hygienists to require that mobile dental clinics and other portable dental operations meet certain requirements to ensure that patient safety is protected, appropriate dental services are rendered, and needed follow-up care is provided. The revised regulations shall include, but not be limited to, requirements for registration by the mobile clinics, locations where services are provided, reporting requirements by providers and other regulations to insure accountability of care rendered. These regulations shall apply to all mobile dental facilities or portable dental programs with the exception of those operated by federal, state or local governmental agencies, or by other entities deemed appropriate for exemption by the Board of Dentistry. The Board shall promulgate regulations to become effective within 280 days or less from the enactment of this act to implement these changes."

**Explanation:**

(This amendment adds language directing the Board of Dentistry to implement regulations governing the operations of mobile dental clinics and the registration of such clinics. A significant increase in privately-owned mobile and portable dental providers in the state who are based elsewhere in the country, has resulted in problems ensuring that these "school-based" mobile or portable programs adequately ensure patients are referred to a dental home after the preventive services are delivered, established protocols are followed, quality assurance is conducted and that patients will be notified regarding the cessation of operations.)

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 340, line 33, after "fund.", insert:

"The department shall promulgate regulations to implement this amendment no more than 280 days from the enactment of this act."

**Explanation:**

(This amendment provides emergency regulatory authority to make changes to the Medicaid reimbursement methodology for long-stay hospitals. The introduced budget includes a budget reduction strategy for long-stay hospitals, but in order for the Department of Medical Assistance Services to implement the necessary changes by July 1, 2009, the agency needs emergency regulatory authority.)

Item 306 #2c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance Services	\$0	(\$6,030,424)	GF
	\$0	(\$9,117,589)	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,917,939,338".

**Explanation:**

(This amendment reflects general fund savings of \$6.0 million and \$9.1 million in savings of matching federal Medicaid funds in fiscal year 2010 from a change in remittances in Medicaid provider payments included in the introduced budget. These changes generated savings in fiscal year 2009, which would flow through to fiscal year 2010 based on projected increases in Medicaid utilization.)

Item 306 #3c

<b>Health And Human Resources</b>
Department Of Medical Assistance Services

Language

**Language:**

Page 343, after line 50, insert:

"VVV. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the Mental Retardation Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate

emergency regulations to implement the provisions of this act."

**Explanation:**

(This amendment adds language to provide the Department of Medical Assistance Services authority to implement revisions to the Mental Retardation (MR) Waiver as a result of federal approval of the renewal of the MR Waiver. In prior years, similar language authorizing the promulgation of emergency regulations for waiver renewals was provided in the Appropriation Act to allow the Department flexibility to make changes if necessary. This language was inadvertently removed.)

Item 306 #4c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$7,115,617	GF
Services	\$0	(\$7,020,365)	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,933,182,603".

Page 340, strike lines 20 through 27.

Page 340, line 28, strike "DDD" and insert "CCC".

Page 340, line 34, strike "EEE" and insert "DDD".

Page 340, line 42, strike "FFF" and insert "EEE".

Page 340, line 50, strike "GGG" and insert "FFF".

Page 340, line 54, strike "HHH" and insert "GGG".

Page 341, line 1, strike "III" and insert "HHH".

Page 341, line 19, strike "JJJ" and insert "III".

Page 341, line 31, strike "KKK" and insert "JJJ".

Page 341, line 42, strike "LLL" and insert "KKK".

Page 341, line 59, strike "MMM" and insert "LLL".

Page 342, line 11, strike "NNN" and insert "MMM".

Page 342, line 14, strike "OOO" and insert "NNN".

Page 342, line 25, strike "PPP" and insert "OOO".

Page 342, line 38, strike "QQQ" and insert "PPP".

Page 342, line 48, strike "RRR" and insert "QQQ".

Page 343, line 1, strike "SSS" and insert "RRR".

Page 343, line 19, strike "TTT" and insert "SSS".

Page 343, line 36, strike "UUU" and insert "TTT".

**Explanation:**

(This amendment restores \$7.1 million from the general fund and reduces \$7.0

million from federal Medicaid matching funds that was assumed in the introduced budget due to the imposition of a provider tax on intermediate care facilities for people with mental retardation (ICF/MR). This proposal may violate local cost sharing requirements included within the federal American Recovery and Reinvestment Act of 2009, thus jeopardizing \$962.4 million in federal Medicaid revenue to the Commonwealth.)

Item 306 #5c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$62,143,762	\$121,124,243	GF
Services	\$81,874,227	\$183,131,579	NGF

**Language:**

Page 324, line 2, strike "\$5,497,833,213" and insert "\$5,641,851,202".  
 Page 324, line 2, strike "\$5,933,087,351" and insert "\$6,237,343,173".

**Explanation:**

(This amendment adds \$62.1 million from the general fund and \$81.9 million from nongeneral funds the first year and \$121.1 million from the general fund and \$183.1 million from nongeneral funds the second year to reflect increased enrollment in the Medicaid program, based on the continuing economic downturn.)

Item 306 #6c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	(\$368,795,338)	(\$593,665,047)	GF
Services	\$368,795,338	\$593,665,047	NGF

**Language:**

**Explanation:**

(This amendment reflects additional revenue from the federal government in the American Recovery and Reinvestment Act of 2009 for Medicaid. The change in reimbursement for Medicaid, increases the federal share of Medicaid from 50 percent to approximately 56.85 percent in fiscal year 2009 and 60.19 percent in fiscal year 2010, allowing the Commonwealth to reduce its share of Medicaid spending by \$368.8 million in fiscal year 2009 and \$593.7 million in fiscal year 2010. The



enhanced Medicaid funding will continue through December 31, 2010, i.e., the first two quarters of fiscal year 2011. This additional federal funding is designed to offset higher caseloads in Medicaid and mitigate the need for further reductions in services and provider rates. Accepting this additional federal funding precludes the state from reducing eligibility levels below those established on July 1, 2008 and imposing additional cost-sharing by localities. Several amendments within this item restore reductions that were included within the Governor's introduced budget that may violate these requirements.)

Item 306 #7c

### **Health And Human Resources**

Department Of Medical Assistance  
Services

Language

#### **Language:**

Page 337, line 15, strike "count" and insert "treat".

Page 337, line 15, strike "as a resource".

Page 337, line 16, strike "for covered groups".

Page 337, strike lines 17 through 26 and insert:

"in the same manner as in effect under the State Plan for Medical Assistance on July 1, 2008. The".

#### **Explanation:**

(This amendment modifies language that may conflict with the maintenance of effort requirement included within the American Recovery and Reinvestment Act of 2009, jeopardizing \$962.4 million in new federal Medicaid funding. Accordingly, language is modified reverting to the way life estates were treated for purposes of determining eligibility for Medicaid as of July 1, 2008.)

Item 306 #8c

### **Health And Human Resources**

Department Of Medical Assistance  
Services

Language

#### **Language:**

Page 342, line 48, strike "with" and insert:

"in June 2009, and every June thereafter".

Page 342, line 49, strike "June 26, 2009, the" and insert:

"the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment."

Page 342, strike lines 50 through 54, and insert "The".

**Explanation:**

(This amendment clarifies that delaying payments by an additional week as proposed in the Governor's introduced budget does not violate Medicaid's prompt pay requirements. Violating the prompt pay requirements might jeopardize enhanced federal Medicaid funding.)

Item 306 #9c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$516,164	GF
Services	\$0	(\$516,164)	NGF

**Language:**

Page 330, line 6, strike "1."

Page 330, strike lines 13 through 18.

**Explanation:**

(This amendment restores \$516,164 from the general fund and reduces \$516,164 from the nongeneral fund the second year to reflect the reversal of a proposal to capture an additional five percent of school-based reimbursement for medical services and transportation through Medicaid. The introduced budget included savings of five percent for administrative costs to the Department for processing billing for localities; this proposal included within the Governor's introduced budget may violate the maintenance of effort requirement in the federal American Recovery and Reinvestment Act of 2009, thus jeopardizing \$962.4 million in federal Medicaid revenue.)

Item 306 #10c

<b>Health And Human Resources</b>
Department Of Medical Assistance
Services

Language

**Language:**

Page 340, line 33, after "fund.", insert:

"The department shall promulgate regulations to implement this amendment no more than 280 days from the enactment of this act."

**Explanation:**

(This amendment provides emergency regulatory authority to make changes to the Medicaid reimbursement methodology for long-stay hospitals. The introduced budget includes a reduction strategy for long-stay hospitals, but in order for the Department of Medical Assistance Services to implement the necessary changes by July 1, 2009, the agency needs emergency regulatory authority.)

Item 306 #11c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 343, after line 50, insert:

"VVV. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with local Healthy Families sites so that qualifying funds may be used at the discretion of each site for obtaining matching nongeneral funds when available."

**Explanation:**

(This amendment requires the Department of Medical Assistance Services to enter into an agreement with local Healthy Families sites to generate federal Medicaid matching funds with local resources when available.)

Item 306 #12c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 340, strike lines 34 through 41.

Page 340, line 42, strike "FFF" and insert "EEE".

Page 340, line 50, strike "GGG" and insert "FFF".

Page 340, line 54, strike "HHH" and insert "GGG".

Page 341, line 1, strike "III" and insert "HHH".  
 Page 341, line 19, strike "JJJ" and insert "III".  
 Page 341, line 31, strike "KKK" and insert "JJJ".  
 Page 341, line 42, strike "LLL" and insert "KKK".  
 Page 341, line 59, strike "MMM" and insert "LLL".  
 Page 342, line 11, strike "NNN" and insert "MMM".  
 Page 342, line 14, strike "OOO" and insert "NNN".  
 Page 342, line 25, strike "PPP" and insert "OOO".  
 Page 342, line 38, strike "QQQ" and insert "PPP".  
 Page 342, line 48, strike "RRR" and insert "QQQ".  
 Page 343, line 1, strike "SSS" and insert "RRR".  
 Page 343, line 19, strike "TTT" and insert "SSS".  
 Page 343, line 36, strike "UUU" and insert "TTT".

**Explanation:**

(This amendment removes budget language that would have limited funding for home health transportation providers that exceed 15 miles; an additional payment is paid for such providers under current law. No savings were assumed for this proposal included in the introduced budget.)

Item 306 #13c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$154,900,000	GF
Services	\$0	(\$154,900,000)	NGF

**Language:**

Page 331, line 42, strike "458,719,489" and insert "303,819,489".

**Explanation:**

(This amendment restores \$154.9 million from the general fund for the Medicaid program and reduces \$154.9 million from the Virginia Health Care Fund to account for the loss of additional nongeneral fund revenues assumed in the introduced budget.)

Item 306 #14c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$7,314,908	GF
Services	\$0	\$11,059,642	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,951,461,901".

Page 339, strike line 58.

Page 340, strike lines 1 through 8.

Page 340, line 9, strike "BBB" and insert "AAA".

Page 340, line 20, strike "CCC" and insert "BBB".

Page 340, line 28, strike "DDD" and insert "CCC".

Page 340, line 34, strike "EEE" and insert "DDD".

Page 340, line 42, strike "FFF" and insert "EEE".

Page 340, line 50, strike "GGG" and insert "FFF".

Page 340, line 54, strike "HHH" and insert "GGG".

Page 341, line 1, strike "III" and insert "HHH".

Page 341, line 19, strike "JJJ" and insert "III".

Page 341, line 31, strike "KKK" and insert "JJJ".

Page 341, line 42, strike "LLL" and insert "KKK".

Page 341, line 59, strike "MMM" and insert "LLL".

Page 342, line 11, strike "NNN" and insert "MMM".

Page 342, line 14, strike "OOO" and insert "NNN".

Page 342, line 25, strike "PPP" and insert "OOO".

Page 342, line 38, strike "QQQ" and insert "PPP".

Page 342, line 48, strike "RRR" and insert "QQQ".

Page 343, line 1, strike "SSS" and insert "RRR".

Page 343, line 19, strike "TTT" and insert "SSS".

Page 343, line 36, strike "UUU" and insert "TTT".

**Explanation:**

(This amendment restores \$7.3 million from the general fund and \$11.1 million from federal Medicaid matching funds the second year by eliminating a proposed reduction for long-term care waiver recipients whose Medicaid expenses exceed the average cost of services in an alternative institutional setting. This proposal included within the Governor's introduced budget may violate the maintenance of effort requirement in the federal American Recovery and Reinvestment Act of 2009, thus jeopardizing \$962.4 million in federal Medicaid revenue.)

Item 306 #15c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$6,486,158	GF
Services	\$0	\$5,788,843	NGF

**Language:**

- Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,945,362,352".
- Page 324, line 45, strike "90,026,990" and insert "101,564,490".
- Page 324, line 47, strike "90,026,990" and insert "101,564,490".
- Page 324, line 54, strike "222,714,872" and insert "219,564,872".
- Page 324, line 55, strike "222,714,872" and insert "219,564,872".

**Explanation:**

(This amendment restores \$6.5 million to the general fund and \$5.8 million in matching federal funds and adds language in the Department of Medical Assistance Services for Medicaid reimbursement for care provided to residents of the Southeastern Virginia Training Center. The introduced budget had reduced Medicaid funding to reflect the closure of SEVTC, and diverted \$4.1 million to transfer 120 residents to community care and transfer 55 residents to other training centers. Companion amendments in the Department of Mental Health, Mental Retardation and Substance Abuse Services restore budget language and appropriate nongeneral funds for SEVTC to provide for its continued operation.)

Item 306 #16c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 343, after line 50, insert:  
 "VVV. The Department of Medical Assistance Services shall conform its requirements for hospice provided personal care to federal requirements for Medicare Conditions of Participation for beneficiaries participating in the Elderly or Disabled with Consumer Direction Waiver program. The department shall have the authority to implement this regulatory change effective July 1, 2009 and prior to the completion of any regulatory process undertaken in order to effect such change."

**Explanation:**

(This amendment directs the Department of Medical Assistance Services to remove a regulatory requirement that hospices provide 21 hours per week of personal care to Medicaid beneficiaries participating in the Elderly or Disabled with Consumer Direction Waiver program. Federal hospice guidelines require that Medicaid personal care benefits may be used to the extent that the hospice would routinely use the services of a hospice patient's family in implementing a patient's plan of care.

Therefore, the current regulatory language requiring hospices to provide 21 hours of care per week regardless of the assessed needs of the hospice patient is in direct conflict with the federal guidelines for a newly enacted standard in the Medicare Conditions of Participation for Hospices.)

Item 306 #17c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 343, after line 50, insert:

"VVV. The Department of Medical Assistance Services shall provide information to personal care agency providers regarding the options available to meet staffing requirements for personal care aides including the completion of provider-offered training or DMAS Personal Care Aide Training Curriculum."

**Explanation:**

(This amendment is self-explanatory.)

Item 306 #18c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 343, after line 50, insert:

"VVV. The Department of Medical Assistance Services, in consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall amend the State Plan for Medical Assistance Services in order to comply with the payor of last resort requirements of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. The Department of Medical Assistance Services shall promulgate regulations to become effective within 280 days or less from the enactment date of this act. The Department shall implement these necessary regulatory changes to be consistent with federal requirements for the Part C program."

**Explanation:**

(This amendment adds language directing the Department of Medical Assistance Services to work with the Department of Mental Health, Mental Retardation and Substance Abuse Services to amend the Medicaid State Plan to ensure that those providing early intervention services through the Part C program bill Medicaid first, if appropriate, before billing the Part C program. This ensures that the state is in compliance with federal requirements contained in Part C of the Individuals with Disabilities Education Act (IDEA) of 2004.)

Item 306 #19c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance Services	\$0	\$77,653	GF
	\$0	\$117,407	NGF

**Language:**

- Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,933,282,411".
- Page 341, strike lines 59 and 60.
- Page 342, strike lines 1 through 10.
- Page 342, line 11, strike "NNN." and insert "MMM."
- Page 342, line 14, strike "OOO." and insert "NNN."
- Page 342, line 25, strike "PPP." and insert "OOO."
- Page 342, line 38, strike "QQQ." and insert "PPP."
- Page 342, line 48, strike "RRR." and insert "QQQ."
- Page 343, line 1, strike "SSS." and insert "RRR."
- Page 343, line 19, strike "TTT." and insert "SSS."
- Page 343, line 36, strike "UUU." and insert "TTT."

**Explanation:**

(This amendment restores \$77,653 from the general fund and \$117,407 from the nongeneral fund from federal Medicaid matching funds the second year for Johnson City Memorial Hospital. The introduced budget removed an "add-on" payment for the hospital beginning July 1, 2009. Since 2004, JCMH has received an additional payment for hospitals with neonatal intensive care units, because it serves a high-volume of Virginia residents.)

Item 306 #20c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$4,657,770	GF



Services \$0 \$7,042,230 NGF

**Language:**

- Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,944,787,351".
- Page 339, line 7, strike "2010" and insert "2009".
- Page 339, line 13, strike "this" and insert "these".
- Page 339, line 13, strike "change" and insert "changes".
- Page 339, line 14, after 2008 and effective July 1, 2009".

**Explanation:**

(This amendment restores \$4.7 million from the general fund and \$7.0 million in federal Medicaid matching funds the second year in payments to nursing homes in fiscal year 2010 to sunset a reduction of 1.39 percent to nursing homes that was enacted in Chapter 879, 2008 Acts of Assembly. Chapter 879 included language that reduced payments to nursing homes by capping inflation to no more than two percent in fiscal year 2010. For ease of administration, language implementing the inflation cap required the Department of Medical Assistance Services to reduce direct and indirect care payment rates by 1.329 percent below the normally calculated rates.)

Item 306 #21c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$7,410,596	GF
Services	\$0	\$11,204,315	NGF

**Language:**

- Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,951,702,262".
- Page 324, line 54, strike "222,714,872" and insert "230,125,468".
- Page 324, line 55, strike "222,714,872" and insert "233,919,187".

**Explanation:**

(This amendment provides \$7.4 million from the general fund and \$11.2 million in matching federal Medicaid funds to add 400 mental retardation waiver slots to address the community waiting list for the 2008-10 biennium. It restores the fiscal year 2010 funding for 200 waiver slots scheduled to be available on April 1, 2009, but were eliminated in the introduced budget. It also provides 200 additional slots beginning January 1, 2010. These slots, along with the 400 new slots added beginning July 1, 2008 will decrease the urgent community waiting list by 20 percent during the 2008-10 biennium. A companion amendment in Item 316 modifies language in the Department of Mental Health, Mental Retardation and Substance Abuse Services to reflect the waiver funding and number of additional slots provided

in the second year.)

Item 306 #22c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$12,538,391	GF
Services	\$0	\$18,589,310	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,964,215,052".

Page 341, strike lines 42 through 58.

Page 341, line 59, strike "MMM." and insert "LLL."

Page 342, line 11, strike "NNN." and insert "MMM."

Page 342, line 14, strike "OOO." and insert "NNN."

Page 342, line 25, strike "PPP." and insert "OOO."

Page 342, line 38, strike "QQQ." and insert "PPP."

Page 342, line 48, strike "RRR." and insert "QQQ."

Page 343, line 1, strike "SSS." and insert "RRR."

Page 343, line 19, strike "TTT." and insert "SSS."

Page 343, line 36, strike "UUU." and insert "TTT."

**Explanation:**

(This amendment restores \$12.5 million from the general fund and \$18.6 million from federal Medicaid matching funds the second year to maintain current reimbursement levels for general acute care cases, acute care rehabilitation cases and psychiatric cases. The introduced budget reduced funding for these hospitals by three percentage points.)

Item 306 #23c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$4,666,289	GF
Services	\$0	\$7,055,111	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,944,808,751".

Page 341, strike lines 1 through 18.

Page 341, line 19, strike "JJJ." and insert "III."

Page 341, line 31, strike "KKK." and insert "JJJ."

Page 341, line 42, strike "LLL." and insert "KKK."

Page 341, line 59, strike "MMM." and insert "LLL."  
 Page 342, line 11, strike "NNN." and insert "MMM."  
 Page 342, line 14, strike "OOO." and insert "NNN."  
 Page 342, line 25, strike "PPP." and insert "OOO."  
 Page 342, line 38, strike "QQQ." and insert "PPP."  
 Page 342, line 48, strike "RRR." and insert "QQQ."  
 Page 343, line 1, strike "SSS." and insert "RRR."  
 Page 343, line 19, strike "TTT." and insert "SSS."  
 Page 543, line 36, strike "UUU." and insert "TTT."

**Explanation:**

(This amendment restores \$4.7 million from the general fund and \$7.1 million from federal Medicaid matching funds to remove the cap on the Elderly and Disabled Waiver Program. This proposal included within the Governor's introduced budget may violate the maintenance of effort requirement in the federal American Recovery and Reinvestment Act of 2009, thus jeopardizing \$962.4 million in federal Medicaid revenue.)

Item 306 #24c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	(\$11,054,867)	\$0	GF
Services	\$11,054,867	\$0	NGF

**Language:**

Page 331, line 42, strike "458,719,489" and insert "469,774,356".

**Explanation:**

(This amendment reflects an additional deposit to the Virginia Health Care Fund (VHCF) of \$11.1 million in fiscal year 2009 from the Master Settlement Agreement. Deposits to the Virginia Health Care Fund are used as the state share of Medicaid spending. Thus, additional revenue to the VHCF allow for a reduction in general fund spending.)

Item 306 #25c

<b>Health And Human Resources</b>	
Department Of Medical Assistance	Language
Services	

**Language:**

Page 343, line 38, strike "in response to proposals to" and insert "."

Page 343, strike lines 39 through 50 and insert:

"The Department may consider proposals from CGI Technologies Solutions, Inc. to effectuate savings as part of its review. The Department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009 including the specific strategies recommended to effectuate savings."

**Explanation:**

(This amendment requires the Department of Medical Assistance Services to review its methodology for reimbursing durable medical equipment. Budget language allows the Department to consider proposals that would achieve savings and report such strategies to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009.)

Item 306 #26c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$123,998	GF
Services	\$0	\$200,320	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,933,411,669".

Page 343, line 31, before ".", insert:

"and government-operated nursing facilities with 85 percent or greater Medicaid utilization in their provider fiscal year ending in calendar year 2007."

**Explanation:**

(This amendment restores \$123,998 from the general fund and \$200,320 from federal Medicaid matching funds by exempting government-operated nursing homes with Medicaid utilization greater than 85 percent from a reduction in inflation who may be disproportionately harmed by the loss of inflation.)

Item 306 #27c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Medical Assistance	\$0	\$3,400,000	GF
Services	\$0	\$5,648,878	NGF

**Language:**

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,942,136,229".  
Page 340, line 43, strike "consumer-directed".

**Explanation:**

(This amendment adds \$3.4 million from the general fund and \$5.6 million from nongeneral funds to increase reimbursement rates for agency and consumer-directed personal care services. The introduced budget included a three percent increase for consumer-directed personal care services only.)

Item 311 #1c

**Health And Human Resources**

Department Of Medical Assistance  
Services

Language

**Language:**

Page 346, line 20, strike "The forecast shall include".  
Page 346, strike lines 21 through 27.

**Explanation:**

(This amendment deletes language contained in the introduced budget which changes existing policy to include inflationary changes, rebasing or other cost adjustments required by law or regulation in the forecast of Medicaid utilization and enrollment.)

Item 315 #1c

**Health And Human Resources**

Department Of Mental Health,  
Mental Retardation And Substance  
Abuse Services

Language

**Language:**

Page 355, after line 62, insert:  
"DD. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in consultation with the Department of Medical Assistance Services, shall promulgate regulations in order to comply with the payor of last resort requirements of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. The Department of Mental Health, Mental Retardation and Substance Abuse Services

shall promulgate such regulations within 280 days or less from the enactment date of this act. The Department shall implement these necessary regulatory changes to be consistent with federal requirements for the Part C program."

**Explanation:**

(This amendment adds language directing the Department of Mental Health, Mental Retardation and Substance Abuse Services to work with the Department of Medical Assistance Services to amend the Medicaid State Plan to ensure that those providing early intervention services through the Part C program bill Medicaid first, if appropriate, before billing the Part C program. This ensures that the state is in compliance with federal requirements contained in Part C of the Individuals with Disabilities Education Act (IDEA) of 2004.)

Item 315 #2c

**Health And Human Resources**

Department Of Mental Health,  
Mental Retardation And Substance  
Abuse Services

Language

**Language:**

Page 355, line 32, after "CC." insert "1."

Page 355, line 35, after, "Services", strike the remainder of the line.

Page 355, strike line 36.

Page 355, line 38, strike "closure of" and insert:

"rebuilding and resizing of Southeastern Virginia Training Center (SEVTC)".

Page 355, line 39, strike "the facility".

Page 355, line 41, strike "and" and insert ",".

Page 355, line 42, after "Services," insert:

"the Department of General Services, the Department of Health,".

Page 355, line 50, after "team.", insert:

"The state and community planning team, under the direction of the Commissioner, shall develop the plan based on (i) completed individual assessments and service plans for each resident of the facility by Health Planning Region V Community Services Boards (CSBs) and SEVTC treatment teams, (ii) the availability of community-based services to serve individuals residing at SEVTC, including housing needs, (iii) timelines for the completion of proposed construction or renovation of community housing and the new 75-bed state facility, and (iv) an assessment of how current state workers at SEVTC can be transitioned as community care providers in community facilities that have been either identified or are planned for construction

in the region."

Page 355, line 52, after "timeline to", insert "appropriately".

Page 355, line 52, after "transition", insert "88".

Page 355, line 53, strike "by June 30, 2009" and insert:

"beginning in fiscal year 2010".

Page 355, line 56, after "facility", insert:

"if individual assessments and service plans have been completed, appropriate community housing is available and consumer choice has been considered".

Page 355, line 57, after "provide the", insert "preliminary plan and".

Page 355, line 58, strike "April" and insert "July".

Page 355, line 58, strike "final" and insert "progress".

Page 355, line 59, strike "closure of" and insert:

"plan for resizing and rebuilding".

Page 355, line 60, strike "September" and insert "October".

Page 355, line 60, after "2009", insert:

", and quarterly thereafter until the new facility and community facilities have been constructed and are complete".

Page 355, line 62, strike "closure" and insert:

"resizing and community transition".

Page 355, after line 62, insert:

"2. The Commissioner of the Department Mental Health, Mental Retardation and Substance Abuse Services the Commissioner of Health, and the Director of the Department of Medical Assistance Services shall initiate an expedited fast track process to provide technical assistance and certify and license the community facilities under construction and planned for construction in Health Planning Region V."

### **Explanation:**

(This amendment strikes language directing the closure of Southeastern Virginia Training Center (SEVTC) and adds language directing the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to work with the Department of General Services and the Department of Health, in addition to the Department of Medical Assistance Services and others on a state and community planning team to plan for rebuilding of a 75-bed facility and the construction of community housing for individuals who would be transitioned to the community. Language requires the plan to be based on certain information such as completed needs assessments of individuals residing in the facility and completed care plans, the availability of appropriate community facilities and services, and plans for construction or renovation of community facilities in the region and the construction of a new 75-bed facility. Deadlines for a preliminary

plan and a progress report are included as well as a requirement for quarterly reports until construction is complete and individuals are transitioned into community housing. Finally, language requires state agencies to fast track licensing and certification of community facilities. Companion amendments in Item 306, 327 and 327.05 restore the funding and position levels to maintain the operations of SEVTC. In addition, an amendment in Item C-103.05 provides language directing the capital funding for the new facility and community housing.)

Item 315 #3c

### **Health And Human Resources**

Department Of Mental Health,  
Mental Retardation And Substance  
Abuse Services

Language

#### **Language:**

Page 355, strike lines 3 through 31 and insert:

"BB.1. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall continue to operate the Commonwealth Center for Children and Adolescents (CCCA) and the adolescent unit at Southwestern Virginia Mental Health Institute (SVMHI).

2. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall establish a state and community consensus and planning team for the purpose of developing a plan to examine the current and future role of the Commonwealth and private sector in providing acute psychiatric services for children and adolescents. The team shall consist of department staff and representatives of affected consumers, local government officials, advocates, state hospital employees, community services boards, behavioral health authorities, and public and private child and adolescent mental health service providers, and other interested persons, as determined by the Commissioner. In addition, members of the House of Delegates and the Senate representing the localities served by the hospital may serve on the state and community planning team. The state and community planning team, under the direction of the Commissioner, shall (i) identify the characteristics of the child and adolescent population currently served at the CCCA and SWVMHI, (ii) describe the service needs of the children served at each facility, (iii) determine what services are currently available, or would need to be available in the community, to adequately provide treatment for these children, (iv) consider alternate approaches to delivering services appropriate for some or all of the patient



population, (v) define the state's continuing role and responsibility in providing inpatient services for children and adolescents, (vi) identify funding trends and policies for providing public and private services, (vii) report on the cost of providing public and private psychiatric services, and (viii) detail other strategies to promote high quality, community-based care while maintaining a safety net for children and adolescent in need of acute psychiatric services. The Commissioner shall report to the Chairmen of the House Appropriations and Senate Finance Committee on the findings of the state and community planning team no later than November 1, 2009.)

**Explanation:**

(This amendment removes language that sets up a process to close the Commonwealth Center for Children and Adolescents on June 30, 2009. Budget language is added to detail the process for operating Southwestern Virginia Mental Health Institute in Marion and the Commonwealth Center for Children and Adolescents in Staunton. Language also requires the Commissioner to set up a process to determine the profile of youth currently served at these facilities, the capacity of the community to treat them, and the role of the state in providing treatment for these individuals. Separate amendments to Item 320, Item 322, and Item 322.05 restore funding and positions at Marion and Staunton.)

Item 315 #4c

**Health And Human Resources**

Department Of Mental Health,  
Mental Retardation And Substance  
Abuse Services

Language

**Language:**

Page 355, after line 62, insert:

"DD.1. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall work in collaboration with the Health Planning Region (HPR) V Community Services Boards to plan, develop and implement transitional mental health services to qualified individuals discharged from the Eastern State Hospital.

2. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall lease the existing buildings and associated grounds corresponding to Buildings 24 and 26 at Eastern State Hospital to the Community Services Boards of HPR V for the purpose of providing transitional mental health services to those qualified individuals discharged from the Eastern State Hospital, on the condition that

these buildings are not needed in order to provide state hospital services. The Colonial Services Board will act as the lead agency and fiscal agent for the region for purposes of this project. The property shall be leased to the Colonial Services Board on behalf of the region for a total charge of \$1.00 per year for a period of 25 years.

3. The HPR V Community Services Boards shall involve local and regional partners, including local governments, in the planning and development of these programs and services."

**Explanation:**

(This amendment adds language requiring the Department of Mental Health, Mental Retardation and Substance Abuse Services to work with the Community Services Boards in HPR V to develop transition programs for individuals discharged from Eastern State Hospital (ESH) and lease two buildings at ESH to Community Services Boards in HPR V for these programs.)

Item 316 #1c

**Health And Human Resources**

Grants To Localities

Language

**Language:**

Page 360, line 35, strike "11,694,800" and insert "19,105,396".

Page 360, line 37, strike "11,694,800" and insert "22,899,115".

Page 360, line 42, strike "400" and insert "800".

**Explanation:**

(This amendment modifies language in the introduced budget to describe funding to support an additional 400 Medicaid mental retardation waiver slots in the second year. A companion amendment in Item 306 provides the funding in the Department of Medical Assistance Services.)

Item 316 #2c

**Health And Human Resources**

Grants To Localities

Language

**Language:**

Page 358, after line 13, insert:

"3. Any additional funds received by local early intervention systems pursuant to the

federal American Recovery and Reinvestment Act (ARRA) of 2009 for early intervention services through Part C of the Individuals with Disabilities Education Act (IDEA) of 2004 shall be used to supplement, not supplant federal, state and local funding at the level in effect upon the date of enactment of the ARRA."

**Explanation:**

(This amendment adds language to ensure that additional funding provided for early intervention services through the federal American Recovery and Reinvestment Act of 2009 shall be used to supplement, not supplant the level of local funding in place as of the enactment date of the federal legislation. A companion amendment in Item 475.50 appropriates amounts from the federal American Recovery and Reinvestment Act (ARRA) of 2009 for early intervention services.)

Item 316 #3c

**Health And Human Resources**

Grants To Localities

Language

**Language:**

Page 363, after line 59, insert:

"OO. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Virginia Association of Community Services Boards (VACSB) and with input from the Department of Corrections and the Supreme Court shall examine the feasibility of expanding the use of community medical detoxification and opiate maintenance treatments to divert opioid dependent individuals from jails. As part of its analysis, the Department shall include efforts to maximize the utilization of existing benefits accessed through the Aftercare Pharmacy and the Department of Medical Assistance Services."

**Explanation:**

(This amendment requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on the feasibility of expanding the use of community medical detoxification and treatment for individuals with opioid dependence in order to divert them from placement in jails.)

Item 316 #4c

**Health And Human Resources**

Grants To Localities

Language

**Language:**

Page 362, line 46, after "KK." insert "1."

Page 363, line 22, strike "The Commissioner shall report on".

Page 363, strike lines 23 through 27 and insert:

"2. By August 1, 2009, the Commissioner shall report to the Chairs of the Senate Finance and House Appropriations Committees on the implications of distributing this funding to Community Services Boards based on the per capita populations served by each CSB."

**Explanation:**

(This language amendment requires the Commissioner to report to the General Assembly on the implications of reallocating funding provided last session for community-based mental health services to reflect the populations served by each CSB as opposed to the existing formula which uses ranges of populations served. This amendment also removes obsolete language requiring a report to the General Assembly.)

Item 320 #1c

**Health And Human Resources**

Mental Health Treatment Centers

Language

**Language:**

Page 365, strike line 6 through 9.

**Explanation:**

(This amendment eliminates language that would have transferred \$2.1 million the second year from the general fund from the Commonwealth Center for Children and Adolescents (CCCA) in Staunton to the community to provide inpatient mental health services for indigent children, based on a proposal in the introduced budget to close the CCCA by June 30, 2009. A separate amendment to Item 316 requires that the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services develop a plan to examine the needs of the individuals served at these facilities, the capacity of the community to serve them, and the appropriate role of the state in providing treatment services to this population. Companion amendments in Item 322 and Item 322.05 delete language closing the facility, modify language allocating funding and positions back to the facility, and restore the funding for continued operations.)

**Health And Human Resources**

Mental Health Treatment Centers

Language

**Language:**

- Page 366, line 38, unstrike "140.0".
- Page 366, line 39, strike the first "0" and insert "8,318,777".
- Page 366, line 39, strike the second "0" and insert "1,800,000".
- Page 366, line 39, strike the third "0" and insert "68,000".
- Page 366, line 39, strike the fourth "0" and insert "10,186,777".
- Page 366, line 50, unstrike "529.00".
- Page 366, line 51, strike "22,600,568" and insert "23,979,234".
- Page 366, line 51, strike "32,652,796" and insert "34,031,462".
- Page 366, line 52, unstrike "775.00".
- Page 366, line 53, strike "808.00".
- Page 366, line 54, unstrike "4,644.00".
- Page 366, line 55, strike "4,516.00".
- Page 366, line 55, strike "230,827,846" and insert "240,525,289".
- Page 366, line 55, strike "93,188,367" and insert "94,988,367".
- Page 366, line 55, strike "120,150" and insert "188,150".
- Page 366, line 55, strike "324,136,363" and insert "335,701,806".

**Explanation:**

(This amendment restores funding and positions to continue operating the Commonwealth Center for Children and Adolescents (CCCA) in Staunton and the adolescent unit at Southwestern Virginia Mental Health Institute. The introduced budget slated the facilities for closure by June 30, 2009 respectively. Companion amendments in Items 315, 320 and 322.05 restore funding for the facilities, remove language transferring \$2.1 million from the general fund the second year from the facility to provide patient care in the community and add budget language to develop a plan to understand the needs of the individuals served at these facilities, the capacity of the community to serve them, and the appropriate role of the state in providing treatment services to this population.)

**Health And Human Resources**

Mental Health Treatment Centers

**FY 08-09**

**FY 09-10**

\$0	\$6,218,777	GF
\$0	\$1,800,000	NGF

0.00 100.00 FTE

**Language:**

Page 366, line 57, strike "\$12,189,415" and insert "\$4,170,638".

**Explanation:**

(This amendment restores \$6.2 million from the general fund and \$1.8 million from nongeneral funds to continue operations of the Commonwealth Center for Children and Adolescents (CCCA) in Staunton, which was slated for closure in the introduced budget. Companion amendments in Items 315, 320 and Item 322 delete language closing the facility and modify language allocating funding back to the facility. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.)

Item 322.05 #2c

**Health And Human Resources**

**FY 08-09**

**FY 09-10**

Mental Health Treatment Centers

\$0

\$1,378,666 GF

**Language:**

Page 366, line 57, strike "\$12,189,415" and insert "\$10,810,749".

**Explanation:**

(This amendment restores \$1,378,666 from the general fund the second year to continue operating the Adolescent Unit at Southwestern Virginia Mental Health Institute. The introduced budget proposed the closure of this facility by June 30, 2009. A separate amendment to Item 316 requires that the Commissioner develop a plan to understand the needs of the individuals served at these facilities, the capacity of the community to serve them, and the appropriate role of the state in providing treatment services to this population. A companion amendment in Item 322 modifies language allocating funding back to the facility. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.)

**Health And Human Resources**

Mental Retardation Training  
Centers

Language

**Language:**

- Page 369, line 1, unstrike "1,450.00".
- Page 369, line 2, strike "1498.00".
- Page 369, line 7, unstrike "448.00".
- Page 369, line 8, strike the second "0" and insert "23,076,000".
- Page 369, line 8, strike the third "0" and insert "23,076,000".
- Page 369, line 11, unstrike "4,390.00".
- Page 369, line 12, strike "3,990.00".
- Page 369, line 12, strike "183,286,507" and insert "206,362,507".
- Page 369, line 12, strike "225,680,923" and insert "248,756,923".

**Explanation:**

(This amendment modifies language in the introduced budget to reflect funding and positions to continue operating the Southeastern Virginia Training Center (SEVTC) in Chesapeake, which was slated for closure in the introduced budget. A companion amendment in the Department of Medicaid Assistance Services restores funding to continue Medicaid reimbursement for the care of the residents living at SEVTC.)

**Health And Human Resources**

Mental Retardation Training  
Centers

**FY 08-09**

**FY 09-10**

\$0

\$23,076,000 NGF

**Language:**

- Page 369, line 14, strike "(\$23,486,010)" and insert "(\$410,010)".

**Explanation:**

(This amendment increases \$23.1 million in nongeneral funds from Medicaid revenues to reflect the restoration of funds to continue operations at the Southeastern Virginia Training Center. Companion amendments in Items 306 and 327 restore Medicaid appropriations for the facility and modify language specifying funding and positions that are allocated to the facility. It is the intent of the General Assembly

that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.)

Item 337 #1c

**Health And Human Resources**

Department Of Social Services

Language

**Language:**

Page 376, line 3, before "The" insert "A."

Page 376, after line 22, insert:

"B. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment requires the Department of Planning and Budget and Social Services to submit a forecast of anticipated expenditures for TANF cash assistance payments, mandated child day care services, foster care maintenance and adoption subsidy payments on November 1 of each year similar to the Medicaid forecast produced by the Department of Medical Assistance Services. This information will allow the General Assembly to provide better oversight of these social services programs.)

Item 338 #1c

**Health And Human Resources**

Department Of Social Services

	<b>FY 08-09</b>	<b>FY 09-10</b>	
	(\$5,000,000)	(\$5,000,000)	GF
	\$5,000,000	\$5,000,000	NGF

**Language:**



**Explanation:**

(This amendment reduces general fund appropriations for welfare payments in recognition of general fund expenditures for the Virginia Preschool Initiative as maintenance of effort activities under the Temporary Assistance to Needy Families (TANF) block grant. An increase in nongeneral funds from the federal TANF block grant is provided to offset the general fund reduction.)

Item 340 #1c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	(\$4,950,000)	(\$6,600,000)	GF

**Language:**

Page 381, line 32, strike "\$747,026,353" and insert "\$742,076,353".  
Page 381, line 32, strike "\$764,515,398" and insert "\$757,915,398".

**Explanation:**

(This amendment reduces general fund amounts for Child Support Enforcement by \$5.0 million in fiscal year 2009 and \$6.6 million in fiscal year 2010 based on the receipt of additional federal performance incentive awards for child support enforcement activities.)

Item 341 #1c

<b>Health And Human Resources</b>	
Department Of Social Services	Language

**Language:**

Page 384, line 29, strike "ii" and insert "iii".  
Page 384, line 31, strike "iii" and insert "iv".  
Page 384, line 32, strike "iv" and insert "v".  
Page 384, line 36, strike "v" and insert "vi".  
Page 384, line 41, strike "facilitates" and insert "facilities".

**Explanation:**

(This technical amendment makes several corrections for an Auxiliary Grant pilot project by renumbering the criteria and replacing an incorrect word.)

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	(\$50,000)	GF
	\$0	(\$18,661)	NGF

**Language:**

Page 384, line 54, strike "\$171,432,966" and insert "\$171,364,305".

**Explanation:**

(This amendment reflects savings of \$50,000 to the general fund and \$18,661 to nongeneral funds from the passage of House Bill 2340, Chapter 32, 2009 Acts of Assembly, which repeals § 63.2-1529 of the Code of Virginia requiring the Department of Social Services to submit an annual report to the General Assembly on the child protective services Differential Response System.)

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	(\$4,915,790)	(\$6,639,545)	GF

**Language:**

Page 384, line 54, strike "\$175,659,570" and insert "\$170,743,780".

Page 384, line 54, strike "\$171,432,966" and insert "\$164,793,421".

**Explanation:**

(This amendment reflects additional revenue included in the American Recovery and Reinvestment Act of 2009 for maintenance costs associated with the federal Title IV-E foster care program. The change in reimbursement for Title IV-E, increases the federal share of foster care payments from 50 percent to approximately 56.2 percent in fiscal year 2009 and 56.2 percent in fiscal year 2010, allowing the Commonwealth to reduce its share of Title IV-E spending by \$4.9 million in fiscal year 2009 and \$6.6 million in fiscal year 2010. This additional federal funding is designed to offset rising caseloads and mitigate the need for further reductions in services and provider rates.)

**Health And Human Resources**  
Department Of Social Services

Language

**Language:**

Page 386, line 53, strike "6,312,645" and insert "3,156,323".

**Explanation:**

(This amendment reduces \$3.2 million the second year from the federal TANF block grant program which is earmarked for Community Action Agencies. Item 475.50 of this Act authorizes the Governor to use no less than \$3.2 million from the ARRA to provide funding for community action agencies.)

Item 344 #2c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$100,000	GF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,884,860".

Page 389, line 39, unstrike the stricken language.

**Explanation:**

(This amendment restores \$100,000 from the general fund the second year for Northern Virginia Family Services for the costs associated with the expansion and rehabilitation of Georgetown South Community Center. Funding was eliminated in the second year in the introduced budget for this project.)

Item 344 #3c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$100,000	NGF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,884,860".

Page 387, line 26, after "fund", insert:

"and \$100,000 from the Temporary Assistance to Needy Families block grant".

**Explanation:**

(This amendment restores \$100,000 the second year from the federal Temporary Assistance to Needy Families block grant for the Tri-County Community Action Agency to ensure that adequate resources are available in Charlotte and Mecklenburg

counties to provide appropriate services. The introduced budget reduced \$100,000 from the general fund in the second year for this agency.)

Item 344 #4c

**Health And Human Resources**

Department Of Social Services

Language

**Language:**

Page 389, after line 48, insert:

“Q. The Department of Social Services shall examine the feasibility of partnering with the Virginia Alliance of Boys and Girls Clubs to provide children services through local club sites through a matching program using federal Temporary Assistance to Needy Families (TANF) funding. As part of its analysis, the Department shall assess whether such services would qualify for TANF funding and if funding these services would have a greater impact on at-risk children than other programs funded using TANF dollars.”

**Explanation:**

(This amendment requires the Department of Social Services to examine the feasibility of using federal Temporary Assistance to Needy Families (TANF) funding to partner with the nonprofit Virginia Alliance of Boys and Girls Clubs to expand services such as truancy and drop-out prevention services; targeted after-school services to foster children and homeless children; and services to obtain measurable improvement in academic achievement of at-risk children.)

Item 344 #5c

**Health And Human Resources**

Department Of Social Services

**FY 08-09**

**FY 09-10**

\$0

\$45,000 NGF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,829,860".

Page 388, line 25, after "year", insert:

"and \$45,000 the second year".

**Explanation:**

(This amendment restores \$45,000 from the federal Temporary Assistance to Needy Families (TANF) block grant for the Bristol-Washington County Children's Advocacy Center. The introduced budget eliminated general fund support for the

center that was previously funded with federal TANF dollars. Funding will be reduced by 10 percent, consistent with a reduction in Item 282 for all other Children's Advocacy Centers.)

Item 344 #6c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$45,000	NGF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,829,860".

Page 388, line 31, after "year" insert:

"and \$45,000 the second year".

**Explanation:**

(This amendment restores \$45,000 from the federal Temporary Assistance to Needy Families (TANF) block grant for the Lenowisco Children's Advocacy Center. The introduced budget eliminated general fund support for the center that was previously funded with federal TANF dollars. Funding will be reduced by 10 percent, consistent with a reduction in Item 282 for all other Children's Advocacy Centers.)

Item 344 #7c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$10,000	GF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,794,860".

Page 389, after line 48, insert:

"Q. Out of this appropriation, \$10,000 the second year from the general fund shall be provided to the Parent Leadership Training Institute to improve child outcomes through parental involvement."

**Explanation:**

(This amendment provides funding to the Parent Leadership Training Institute to facilitate increased parent-child interactions and improve child outcomes.)

Item 344 #8c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$50,000	GF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,834,860".

Page 389, after line 48, insert:

"Q. Out of this appropriation, \$50,000 the second year from the general fund shall be provided to Reston Interfaith to expand social and human services".

**Explanation:**

(This amendment provides funding to Reston Interfaith for social services support including food, immediate shelter, affordable housing, quality child care, and other human services.)

Item 344 #9c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	\$75,000	GF

**Language:**

Page 386, line 25, strike "\$45,784,860" and insert "\$45,859,860".

Page 389, after line 48, insert:

"Q. Out of this appropriations, \$75,000 the second year from the general fund shall be provided to the Visions of Truth Ministries."

**Explanation:**

(This amendment provides \$75,000 the second year from the general fund for the Visions of Truth Ministries for a portion of the costs to construct a family life center. The center will provide health and social services prevention services to at-risk populations and other outreach initiatives such as safe housing, alcohol and drug treatment, and disaster services.)

Item 346 #1c

<b>Health And Human Resources</b>	
Department Of Social Services	Language

**Language:**

Page 392, line 8, after ".", insert:

"For those jurisdictions that, when applying such criteria, achieve high priority

ranking for increased state reimbursement, yet initiate local funding actions to address critical space needs or to consolidate human services, they shall nevertheless retain their ranking on the prioritized list of projects for increased state reimbursement for renovating existing space, relocating or constructing new space."

**Explanation:**

(This language amendment assures that localities that proceed with renovations or consolidations at local Departments of Social Services preserve their ranking on DSS' priority ranking of local projects if they are addressing critical renovations, acquiring new space, or consolidating local services. The Department of Social Services ranks building or renovation projects at local offices. Due to a lack of funding, some localities are proceeding with capital projects and losing their priority status as a result. This amendment addresses that issue.)

Item 346 #2c

<b>Health And Human Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Social Services	\$0	(\$755,908)	GF
	\$0	(\$403,312)	NGF

**Language:**

Page 390, line 45, strike "\$74,016,598" and insert "\$72,857,378".

**Explanation:**

(This amendment captures funding that was added to support the cost of moving the department's central office. The introduced budget included funding for one-time costs (e.g., furniture, information technology relocation costs, moving, etc.) associated with moving the office and provided additional support for increased rent. However, based on negotiations between the Department of General Services and the new landlord, this additional funding is no longer needed.)

Item 346 #3c

<b>Health And Human Resources</b>	
Department Of Social Services	Language

**Language:**

Page 393, line 6, after "develop", strike the remainder of the line.  
 Page 393, line 7, strike "that incorporates".

Page 393, line 8, strike "model" and insert "web-based automated system".

Page 393, line 10, strike "Medicaid" and insert "Medical".

Page 393, line 11, strike "must" and insert:

"shall participate in the development of the plan and".

Page 393, line 16, after "Resources", insert:

"the Virginia Information Technologies Agency,".

Page 393, line 20, after "for", strike the remainder of the line and insert:

"overseeing the development and implementation of the".

Page 393, line 21, after "plan.", insert:

"Prior to submission of the plan for federal approval, the steering committee shall submit the plan to the Joint Legislative Audit and Review Commission and the Auditor of Public Accounts for review and comment. The Commissioner of Social Services shall provide an initial report on the development of the plan to the Governor, Secretary of Finance, and Chairmen of the House Appropriations and Senate Finance Committees on the cost, feasibility, potential for economy of scale at an enterprise level, impact on other state and local agencies, and impact on consumers by October 15, 2009 and an annual progress report on the plan by October 15 of each year thereafter. Implementation of the plan is contingent upon approval of the 2010 General Assembly of the expenditures of state and federal funds for this purpose."

**Explanation:**

(This amendment modifies language in the introduced budget related to the development of an implementation plan to develop a centralized, web-based eligibility determination system for benefit programs in the Department of Social Services. Language is added to include the Virginia Information Technologies Agency in the steering committee tasked with overseeing the development and implementation of the plan. Language also requires the Joint Legislative Audit and Review Commission and the Auditor of Public Accounts to review and comment on the plan prior to its submission to the federal government for approval. The Commissioner of Social Services is also required to provide a detailed report on the plan annually to the Governor, the Secretary of Finance and the Chairmen of the money committees. Funding to implement the plan is contingent upon approval of the 2010 General Assembly.)

Item 349 #1c

**Health And Human Resources**

Department Of Social Services

Language



**Language:**

Page 395, line 27, strike "29,144,526" and insert "24,144,526".

Page 395, line 28, strike "7,320,353" and insert "86,676".

**Explanation:**

(This amendment modifies language in the introduced budget to reflect the federal Temporary Assistance to Needy Families (TANF) block grant balances in fiscal year 2009 and 2010, based on changes made to companion amendments in Item 344 and updated calculations of TANF grant spending.)

Item 350 #1c

**Health And Human Resources**

**FY 08-09**

**FY 09-10**

Virginia Board For People With  
Disabilities

(\$15,000)  
(\$15,000)

\$0 GF  
\$0 NGF

**Language:**

Page 396, line 13, strike "\$1,630,003" and insert "\$1,600,003".

**Explanation:**

(This amendment reflects savings of \$15,000 to the general fund and \$15,000 to nongeneral funds from the passage of Senate Bill 1063, which changes the frequency of a biennial report from the Virginia Board for People with Disabilities assessing the needs of persons with disabilities in the Commonwealth to a triennial report.)

Item 361 #1c

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 405, line 7, after "collections.", insert:

"Notwithstanding any other provision of state law, out of this deposit the Department of Conservation and Recreation is authorized to use up to \$500,000 for completion of the project to modernize, simplify, and improve the computerized system utilized by soil and water conservation districts to administer and report on implementation of state agricultural cost share practices initiated by the 2007 Session of the General Assembly."

**Explanation:**

(This amendment permits the Department of Conservation and Recreation to use up to \$500,000 from the year-end general fund surplus deposited into the Water Quality Improvement Fund for use in modernizing the computer system used by soil and water conservation districts to record data on the implementation of agricultural best management practices. Funding for this effort was initiated by the 2007 Session of the General Assembly.)

Item 361 #2c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Conservation And Recreation	\$0	\$392,574	NGF

**Language:**

Page 402, line 28, strike "\$75,545,793" and insert "\$75,938,367".  
Page 404, line 54, after "year", insert:  
"and \$392,574 the second year".

**Explanation:**

(This amendment provides \$392,574 in special funds the second year from the sale of "Friend of the Chesapeake" license plates for use in supporting the projects recommended by the Chesapeake Bay Restoration Fund Advisory Committee. The committee recommended awarding grants to 53 projects in amounts ranging from \$1,495 to \$18,000.)

Item 361 #3c

<b>Natural Resources</b>	
Department Of Conservation And Recreation	Language

**Language:**

Page 405, after line 27, insert:  
"L. The Director, Department of Conservation and Recreation, in consultation with the Virginia Resources Authority, is authorized to make cost effective financing available to Orange County or the dam owner for modifications necessary to the Lake of the Woods Dam to meet state dam safety requirements and to reduce the potential loss of life and damage to downstream property for this high hazard dam, with an

inundation zone containing multiple dwellings and a major state highway. Notwithstanding § 10.1-603.19, Code of Virginia, such authority may be used to provide financial or other assistance from the Dam Safety, Flood Prevention and Protection Assistance Fund to secure funding or to provide a grant not to exceed \$1,000,000."

**Explanation:**

(This amendment restores language that was inadvertently dropped from the budget bill during final printing. Page B-89 of the executive budget document includes an explanation of the amendment.)

Item 361 #4c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Conservation And Recreation	\$0	(\$10,000,000)	GF
	\$0	(\$5,200,000)	NGF

**Language:**

Page 402, line 28, strike "\$75,545,793" and insert "\$60,345,793".  
 Page 404, line 10, strike "\$10,000,000 from the" and insert "\$20,000,000 million from".  
 Page 404, strike line 11.  
 Page 404, line 25, strike "and \$5,200,000 from" and insert:  
 ". The Governor shall provide \$15,200,000 the second year for this paragraph from funds received from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."  
 Page 404, strike lines 26 through 28.

**Explanation:**

(This amendment provides a total of \$20.0 million the second year in nongeneral funds for the implementation of agricultural best management practices. Out of this amount, \$4.8 million is from interest earnings collected by DCR. Item 475.50 of this act authorizes the Governor to use \$15.2 million from the American Recovery and Reinvestment Act of 2009 for agricultural best management practices.)

Item 362 #1c

<b>Natural Resources</b>	
Department Of Conservation And Recreation	Language

**Language:**

Page 406, after line 6, insert:

"3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility."

**Explanation:**

(This amendment instructs the Breaks Interstate Park Commission to enter negotiations to transfer control of its electrical system to a regional electric utility once that park's electric system has been modernized. The electrical system serving the park was installed at the time of the park's creation. Consequently, the regional electric utility will assume control of the system. If modernized, the system could be transferred to that regional electric utility, which would then maintain the infrastructure rather than the park.)

Item 362 #2c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Conservation And Recreation	\$0	\$500,000	GF

**Language:**

Page 405, line 29, strike "\$56,736,726" and insert "\$57,236,726".

**Explanation:**

(This amendment provides \$500,000 the second year from the general fund to partially restore budget reductions for State Parks. General fund reductions for State Parks in the introduced budget total approximately \$2.2 million per year.)

Item 362 #3c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Conservation And Recreation	\$0	(\$2,000,000)	GF

**Language:**

Page 405, line 29, strike "\$56,736,726" and insert "\$54,736,726".

Page 406, line 26, after "D.", insert "1."

Page 406, line 28, strike "\$2,000,000 the second year".

Page 406, after line 30, insert:

"2. The Governor shall provide \$2,000,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment captures \$2.0 million in general fund support from the Virginia Land Conservation Fund. Item 475.50 of this act authorizes the Governor to use \$2.0 million from the American Reinvestment and Recovery Act of 2009 for land conservation.)

Item 366 #1c

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 408, after line 52, insert:

"G. The Department of Environmental Quality shall ensure that, from available resources, adequate staffing is provided to expeditiously determine compliance with the provisions of the Hampton Roads Special Order by Consent dated September 26, 2007, and to ensure that timeframes established by the Order are also met."

**Explanation:**

(This amendment is self-explanatory.)

Item 366 #2c

**Natural Resources**

Department Of Environmental  
Quality

**FY 08-09**

\$0

**FY 09-10**

(\$120,000) GF

**Language:**

Page 408, line 7, strike "\$48,555,003" and insert "\$48,435,003".

Page 408, strike lines 48 through 52.

**Explanation:**

(This amendment eliminates a second year general fund appropriation for the continued study of the factors leading to fish lesions and mortality in the Shenandoah,

Potomac, and James Rivers. A companion amendment authorizes use of the Department of Environmental Quality's share of the Water Quality Improvement Fund deposit for this purpose. All of the watersheds affected by these fish lesions and morality are within the Chesapeake Bay watershed.)

Item 367 #1c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Environmental Quality	\$0 0.00	\$75,000 1.00	GF FTE

**Language:**

Page 408, line 53, strike "\$18,622,666" and insert "\$18,697,666".

**Explanation:**

(This amendment provides funding and one FTE position for the development of a permit by rule for the construction and operation of electrical generation facilities powered by sunlight, wind, falling water, sustainable biomass, municipal solid waste, wave motion, tides, or geothermal sources, pursuant to the provisions of House Bill 2175 and Senate Bill 1347, both of which have been passed by the General Assembly.)

Item 368 #1c

**Natural Resources**

Department Of Environmental Quality

Language

**Language:**

Page 410, after line 33, insert:

"G. Out of this item, the Department of Environmental Quality shall expend up to \$10,000 from the Litter Control and Recycling Fund for a one-time cooperative agreement with the City of Alexandria for the purposes of developing and implementing a public information and education project to enhance ongoing litter prevention and recycling programs. Moneys deposited into the Litter Control and Recycling Fund shall be expended for this cooperative agreement out of the amount allocated on July 1, 2008, pursuant to § 10.1-1422.01.C.1."

**Explanation:**

(This amendment requires DEQ to utilize an unexpended balance in the Litter Control and Recycling Fund for a cooperative agreement with the City of Alexandria to enhance an ongoing litter control and recycling education project in the city.)

Item 368 #2c

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 410, after line 33, insert:

"G. Out of this item, the Department of Environmental Quality shall expend up to \$28,000 from the Litter Control and Recycling Fund for a one-time cooperative agreement with Isle of Wight County for the purposes of developing and implementing a public information and education project to enhance ongoing litter prevention and recycling programs. Moneys deposited into the Litter Control and Recycling Fund shall be expended for this cooperative agreement out of the amount allocated on July 1, 2008, pursuant to § 10.1-1422.01.C.1."

**Explanation:**

(This amendment requires DEQ to utilize an unexpended balance in the Litter Control and Recycling Fund for a cooperative agreement with Isle of Wight County to enhance an ongoing litter control and recycling education project in the county.)

Item 368 #3c

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 410, after line 33, insert:

"G. Out of this item, the Department of Environmental Quality shall expend up to \$10,000 from the Litter Control and Recycling Fund for a one-time cooperative agreement with Henry County for the purposes of developing and implementing a public information and education project to enhance ongoing litter prevention and recycling programs. Moneys deposited into the Litter Control and Recycling Fund shall be expended for this cooperative agreement out of the amount allocated on July 1, 2008, pursuant to § 10.1-1422.01.C.1."

**Explanation:**

(This amendment requires DEQ to utilize an unexpended balance in the Litter Control and Recycling Fund for a cooperative agreement with Henry County to enhance an ongoing litter control and recycling education project in the county.)

Item 368 #4c

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 410, line 13, after "collections.", insert:

"Out of this amount, \$120,000 shall be provided to investigate factors that contribute to fish lesions and mortality in the Shenandoah, Potomac, and James Rivers."

**Explanation:**

(This amendment provides authorization for the use of the Department of Environmental Quality's share of the Water Quality Improvement Fund deposit of fiscal year 2008 excess revenues for use in investigating the factors leading to fish lesions and fish mortality in the Shenandoah, Potomac, and James Rivers. These rivers are part of the Chesapeake Bay watershed. A companion amendment eliminated a second year general fund appropriation for this purpose.)

Item 368 #5c

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 410, after line 33, insert:

"G. The State Water Control Board shall give due consideration to the provision of additional nitrogen and phosphorus nutrient allocations to the Opequon Water Reclamation Facility based upon: (1) the Commonwealth's multiple investments in the facility through the Water Quality Improvement Fund, (2) the execution of a Water Quality Improvement Grant agreement for the installation of state-of-the art nutrient removal technology on or before December 31, 2008, (3) capital investments made prior to July 1, 2005 to expand the facility's capacity, (4) the capacity under



which the facility will likely operate by December 31, 2010, (5) the facility's schedule for planning, design, and construction, and (6) the discharge flow authorized by the facility's VPDES permit and the tiered design flows contained in that permit."

**Explanation:**

(This amendment provides criteria for use by the State Water Control Board in determining whether to approve additional nitrogen and phosphorus nutrient allocations for the Opequon Water Reclamation Facility. This facility requires additional nutrient allocations due to expanded capacity, which was begun prior to July 1, 2005. The facility is also in the process of installing state-of-the-art nutrient reduction technology. The Opequon facility's nutrient reduction project will be complete prior to 17 other facilities for which additional nutrient allocations were granted by the State Water Control Board.)

Item 374 #1c

<b>Natural Resources</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Historic Resources	\$0	\$200	GF

**Language:**

Page 413, line 15, strike "\$5,507,197" and insert "\$5,507,397".

Page 414, after line 14, insert:

"4. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$90 the second year shall be distributed to the Town of Coeburn Municipal Graveyard.

5. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$50 the second year shall be distributed to the McKenzie Cemetery in Grayson County.

6. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$60 the second year shall be distributed to the Skinquarter Baptist Church Cemetery."

**Explanation:**

(This amendment provides funding for the care of 40 Confederate graves as follows: 18 graves in the Town of Coeburn's Municipal Graveyard, 10 graves in the McKenzie Cemetery located in Grayson County, and 12 graves found in the Skinquarter Baptist Church Cemetery located in Chesterfield County. Funding for the maintenance of Confederate graves is provided at a rate of \$5 per grave.)

Item 387 #1c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 426, after line 12, insert:

"G.1. The Secretary of Public Safety, in cooperation with the Supreme Court of Virginia, the Virginia Sheriffs' Association, the Virginia Association of Regional Jails, the Virginia Association of Commonwealth's Attorneys, and the Virginia Criminal Sentencing Commission, shall form a task force to develop recommendations to expand the utilization of alternative methods of punishment for nonviolent, lower-risk offenders who have been sentenced by a court to a term of incarceration. The Departments of Planning and Budget, Corrections, and Criminal Justice Services, the Compensation Board, and the Virginia Criminal Sentencing Commission shall provide such assistance as may be necessary.

2. The Chairmen of the Senate Finance and House Appropriations Committees shall appoint a joint subcommittee to consider steps which may be appropriate to reduce the growth in the numbers of nonviolent, lower risk offenders entering state correctional facilities. The consideration of such steps shall recognize the need to protect public safety; to enable the courts to sentence offenders to appropriate alternative punishment options; and, to provide the Department of Corrections, regional and local jails, and local community corrections and pretrial release programs with the appropriate programs and management tools to operate within the resources available. Consideration shall also be given to other issues as determined by the joint subcommittee. The Chairmen may include such representatives from the Senate and House Committees on Courts of Justice as they may deem appropriate. The Secretary of Public Safety shall provide such assistance to the joint subcommittee as may be requested by the joint subcommittee."

**Explanation:**

(This amendment creates a joint subcommittee to review potential alternatives to

manage the growth of the state correctional system within the limits of available resources.)

Item 388 #1c

## **Public Safety**

Department Of Corrections

Language

### **Language:**

Page 426, strike lines 36 through 38 and insert:

"a. Meherrin River Regional Jail Authority, for a regional jail facility of not more than 400 beds, with new construction on not more than one site, and for which the Commonwealth's share of the total capital cost of the project shall not exceed \$50 million, and for which the revised plans and cost estimates pursuant to this paragraph shall be subject to the approval of the Board of Corrections. The authority shall consider the costs and benefits of acquiring this facility using the process established under the Public Private Education and Infrastructure Act (PPEA), and shall submit a report on its analysis of this approach, along with its planning submissions, to the Board of Corrections. It is anticipated that the reimbursement of the Commonwealth's portion will not occur before July 1, 2012."

Page 426, strike lines 43-45.

Page 426, line 46, strike "d." and insert "c."

Page 426, line 49, strike "e." and insert "d."

Page 427, strike lines 1-4 and insert:

"e. Patrick County, in order to proceed to planning for a replacement jail pursuant to Item 280 of this act."

Page 427, line 5, strike "g." and insert "f."

Page 427, line 8, strike "h." and insert "g."

Page 427, line 20, strike "i." and insert "h."

Page 427, line 27, strike "j." and insert "i."

Page 427, strike lines 29 through 31.

Page 427, line 32, strike "l." and insert "j."

Page 427, strike lines 35 through 44, and insert:

"5. The projects set forth in this item shall be subject to the provisions of §§ 53.1-80 through 53.1-82.3 of the Code of Virginia."

Page 427, line 45, strike "C." and insert "B."

Page 428, strike lines 11 through 20, and insert:

"C. The Chairmen of House Appropriations and Senate Finance Committees shall appoint a joint subcommittee to review the Commonwealth's policies with respect to

the oversight, approval and financing of local and regional jail capital projects and operational expenses, with a view towards developing appropriate and fiscally sound recommendations for defining and meeting the Commonwealth's long-term obligations for local and regional jails and related programs. The Departments of Corrections, Criminal Justice Services, General Services, Planning and Budget, the Treasury, and the Compensation Board, shall provide such assistance as may be requested by the joint subcommittee for this review."

Page 428, line 21, strike "E." and insert "D."

Page 428, line 43, strike "F." and insert "E."

Page 428, line 54, strike "G." and insert "F."

**Explanation:**

(This amendment provides continuing legislative authority for certain specified jail projects to proceed under the established processes for review and approval by the Board of Corrections, pending review by a legislative joint subcommittee of the Commonwealth's long-term obligations with respect to the financing of local and regional jail capital and operating costs.)

Item 390 #1c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 431, line 49, strike "2010" and insert "2009".

**Explanation:**

(This amendment requires a report on implementation of a correctional education program by June 30, 2009, rather than June 30, 2010.)

Item 390 #2c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 433, after line 8, insert:

"K. 1. The Department of Corrections is authorized to convey to the County of Pittsylvania, upon terms and conditions the Department deems proper, with the approval of the Governor and in a form approved by the Attorney General, a portion

of the Camp 15 Work Camp facility near Chatham, consisting of 16 acres, more or less, to include the Diversion Center and outbuildings and the structure referred to as the Warden's Residence, pursuant to Senate Bill 1312 of the 2009 General Assembly.

2. The County of Pittsylvania, in order to proceed with the acceptance of and renovation of the Camp 15 Work Camp facility for use as an expansion of the current Pittsylvania County Jail, shall be exempted from the requirement to submit a Community Based Corrections Plan to the Board of Corrections. The required planning study shall be limited to the design of the renovation, in order to assure compliance with the construction standards established by the Board of Corrections. All construction shall be in accordance with applicable state standards. No state funds shall be provided for the renovation of this facility by Pittsylvania County."

**Explanation:**

(This amendment authorizes the Department of Corrections to transfer certain property at the Chatham Diversion Center to the County of Pittsylvania for use as a jail facility by the county. The amendment also adjusts the requirements which the county must meet in order for the county's renovation plans to be approved by the Board of Corrections. This amendment is contingent upon final passage of Senate Bill 1312 of the 2009 General Assembly.)

Item 390 #3c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 432, strike lines 23 through 30 and insert:

"behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in Section 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse."

Page 432, line 38, strike "18" and insert "24".

**Explanation:**

(This amendment restricts the definition of those offenders who would be eligible for the Behavioral Corrections Program, as proposed in the budget, as introduced, in

order to exclude violent offenders, as defined for purposes of the sentencing guidelines system, and drug dealers. This exclusion specifically applies to previous as well as current convictions.)

Item 390 #4c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 431, after line 7, insert:

"4. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose."

**Explanation:**

(This amendment directs the Department of Corrections to determine whether there may be additional opportunities to contract with other governmental entities to house prisoners from those jurisdictions, and to enter into such contracts if space is available, subject to the approval of the Governor.)

Item 390 #5c

**Public Safety**

Department Of Corrections

Language

**Language:**

Page 433, after line 8, insert:

"K. It is the intention of the General Assembly that § 53.1-47 of the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles."

**Explanation:**

(This amendment clarifies the intent of the General Assembly that "manufactured" articles produced by Virginia Correctional Enterprises includes "remanufactured" articles.)

Item 390 #6c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Corrections	\$0	\$180,000	NGF

**Language:**

Page 430, line 11, strike "\$897,061,073" and insert "\$897,241,073".

Page 430, line 39, strike the second "\$600,000" and insert "\$780,000".

**Explanation:**

(This amendment provides an additional \$180,000 the second year from nongeneral funds for the delivery of faith-based services to inmates. The source of the nongeneral fund revenue is inmate commissary funds.)

Item 391 #1c

<b>Public Safety</b>		
Department Of Corrections		Language

**Language:**

Page 434, line 8, strike "1."

Page 434, strike lines 25 through 45.

**Explanation:**

(This amendment eliminates a proposed policy that would have permitted the Department of Corrections to grant an additional 60 days early release for nonviolent offenders.)

Item 391 #2c

<b>Public Safety</b>		
Department Of Corrections		Language

**Language:**

Page 435, after line 40, insert:

"3. The Department of Corrections is authorized to enter into negotiations with the town of Drakes Branch in Charlotte County to design and construct water and wastewater treatment facilities needed to support the state correctional center proposed to be located in the town. The agreement may provide for either the department to build and operate the facilities or for the town to build and operate the facilities or some other cooperative arrangement. If the final agreement provides for

the town to operate the facilities, it shall also provide that all future charges to be paid for all water and wastewater treatment for the correctional center shall be based solely on metered usage and that the correctional center shall be charged at a rate no higher than the lowest rate charged to any other customer of the water and wastewater treatment facilities. The agreement shall recommend the method for the Commonwealth to provide its pro rata share of the cost of designing and constructing the facilities, which shall be equal to that portion of the total cost attributable to providing water and wastewater treatment services to the proposed correctional center, but which shall not exceed \$12,000,000. The agreement shall recommend financing options for the Commonwealth's share of the cost of the design and construction of the facilities through the Virginia Public Building Authority or through alternative means, subject to the review of the Department of the Treasury. An alternative means of financing may be used only if the Secretary of Finance concludes that it would be more advantageous to the Commonwealth to do so. The Secretary of Finance, subject to the approval of the Governor, may authorize the Department of Corrections to enter into an interim agreement under the provisions of the Public-Private Educational Facilities and Infrastructure Act to fund a portion of the costs of planning and designing these facilities, using any other funds available for this project."

**Explanation:**

(This amendment provides for the financing of the construction of water and wastewater facilities for the state correctional center that will be constructed in Charlotte County.)

Item 391.05 #1c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Corrections	\$0	(\$1,500,000)	GF

**Language:**

Page 437, line 4, strike "\$44,833,624" and insert "\$46,333,624".

**Explanation:**

(This amendment increases the amount of the general fund budget reduction in the second year for the Department of Corrections by \$1,500,000.)

Item 392 #1c



**Public Safety**

Department Of Criminal Justice  
Services

**FY 08-09**

\$0

**FY 09-10**

(\$25,000) GF

**Language:**

Page 437, line 26, strike "\$2,355,681" and insert "\$2,330,681".

Page 437, strike lines 32 through 42.

**Explanation:**

(This amendment reduces the appropriation for training law enforcement officers and other first responders in managing persons with Alzheimer's disease or other memory-related impairments from \$75,000 to \$50,000 the second year from the general fund.)

Item 395 #1c

**Public Safety**

Department Of Criminal Justice  
Services

Language

**Language:**

Page 439, after line 20, insert:

“c. The Board of Criminal Justice Services may approve a new criminal justice academy for Hanover County, to be supported with local funds, consistent with the Agreement dated October 17, 2008, by and between Hanover County, the Sheriff of Hanover County, and the Rappahannock Regional Criminal Justice Academy.”

**Explanation:**

(This amendment provides for the creation of a new criminal justice academy for Hanover County that will be supported solely by local funds. The creation of this new criminal justice academy is approved pursuant to an agreement between Hanover County, the Hanover County Sheriff’s Office, and the Rappahannock Regional Criminal Justice Academy, of which Hanover County was a member. Currently, no new criminal justice academies may be created by the Board of Criminal Justice Services without the approval of the General Assembly.)

Item 395 #2c

**Public Safety**

Department Of Criminal Justice

Language

Services

**Language:**

Page 439, after line 20, insert:

“c. The Board of Criminal Justice Services may approve a new criminal justice academy for the City of Newport News, to be supported with local funds, consistent with an agreement established by and between the City Council of Newport News, the City Manager of Newport News, and the Hampton Roads Criminal Justice Training Academy.”

**Explanation:**

(This amendment provides for the creation of a new criminal justice academy for the City of Newport News that will be supported solely by local funds. The creation of this new criminal justice academy is approved pursuant to an agreement between the City Council of Newport News, the City Manager of Newport News, and the Hampton Roads Regional Criminal Justice Training Academy, of which the City of Newport News was a member. Currently, no new criminal justice academies may be created by the Board of Criminal Justice Services without the approval of the General Assembly.)

Item 395 #3c

**Public Safety**

Department Of Criminal Justice  
Services

**FY 08-09**

\$0

**FY 09-10**

(\$1,500,000) GF

**Language:**

Page 438, line 10, strike "\$85,093,914" and insert "\$83,593,914".

Page 439, line 42, strike "21,908,828" and insert "23,408,828".

**Explanation:**

(This amendment reduces by \$1,500,000 from the general fund the proposed increase in the second year for local community corrections and pretrial release programs. The budget, as introduced, included an increase of \$3,000,000, and this amendment reduces the increase to \$1,500,000. These additional general funds are expected to result in approximately 3,000 diversions from jail the second year.)

Item 395 #4c

**Public Safety**

**FY 08-09**

**FY 09-10**

Department Of Criminal Justice Services	\$1,500,000	\$100,000	GF
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**Language:**

Page 438, line 9, strike "\$82,364,599" and insert "\$83,864,599".

Page 438, line 10, strike "\$85,093,914" and insert "\$85,193,914".

Page 441, after line 12, insert:

"M.1. Out of the amounts appropriated for this item, \$1,500,000 the first year and \$100,000 the second year from the general fund and shall be provided for the operations of the Southern Virginia Internet Crimes Against Children Task Force and the Northern Virginia Internet Crimes Against Children Task Force to expand the regional operations of these two task forces. Of the total amount provided, \$750,000 the first year and shall be distributed to the Bedford County Sheriff's Office for the operation of the Southern Virginia Internet Crimes Against Children Task Force, and \$750,000 the first year shall be distributed to the Virginia State Police for the operation of the Northern Virginia Internet Crimes Against Children Task Force. In the second year, any funds provided from Item 475.50 shall be equally divided between the two task forces.

2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each complete a report on the actual expenditures and performance results achieved by the respective task forces during the first year. Copies of the task force reports shall be provided to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees prior to the distribution of funds for the second year."

**Explanation:**

(This amendment provides \$100,000 from the general fund for the Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces. A companion amendment to Item 397 transfers the appropriation for the first year for this program to this Item. This is a technical adjustment which is necessary to appropriate these funds to the correct item for the first year. A companion amendment to the Department of State Police in Item 420 provides seven nongeneral fund positions for the operation of the Northern Virginia Task Force. Item 475.50 of this Act authorizes the Governor to use \$1,900,000 in the second year from the American Recovery and Reinvestment Act of 2009 for this program.)

Item 395 #5c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Criminal Justice	\$0	(\$50,000)	GF

Services

**Language:**

Page 438, line 10, strike "\$85,093,914" and insert "\$85,043,914".  
Page 441, strike lines 3 through 8.

**Explanation:**

(This amendment reduces the appropriation for the Virginia Center for Policing Innovation from \$150,000 to \$100,000 the second year from the general fund. This appropriation is intended to provide basic training for local law enforcement agencies in Virginia in immigration law and policy and Spanish language.)

Item 395 #6c

**Public Safety**

Department Of Criminal Justice  
Services

Language

**Language:**

Page 441, after line 12, insert:

"M. The Board of Criminal Justice Services shall allocate \$23,300,000 to offset reductions to sheriffs' offices contained in Item 69 of this act, contingent upon and only to the extent such funds shall be made available to the Commonwealth by the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and provisions of that act."

**Explanation:**

(This amendment specifies that the distribution of \$23,300,000 from Virginia's allocation from the Edward Byrne Memorial Justice Assistance Grant program shall be used for sheriffs' offices and local and regional jails to the extent such funds are made available as part of the federal economic stimulus legislation. Item 475.50 of this Act authorizes the Governor to use \$23,300,000 from the American Recovery and Reinvestment Act of 2009 for this purpose.)

Item 397 #1c

**Public Safety**

Department Of Criminal Justice  
Services

**FY 08-09**  
(\$1,500,000)

**FY 09-10**  
\$0 GF

**Language:**

Page 441, line 23, strike "\$198,795,927" and insert "\$197,295,927".  
Page 442, strike lines 31 through 43.

**Explanation:**

(This amendment transfers the existing first year appropriation for the Internet Crimes Against Children Task Forces from this Item to Item 395. A companion amendment to Item 395 adds these funds. This is a technical adjustment which is necessary to appropriate these funds to the correct Item for the first year.)

Item 397 #2c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Criminal Justice Services	\$0	\$6,644,182	GF

**Language:**

Page 441, line 23, strike "\$190,651,745" and insert "\$197,295,927".  
Page 441, strike lines 31 through 32 and insert:  
"A.1. The funds appropriated in this item shall be".  
Page 441, strike lines 37 through 43 and insert:  
"Virginia, the total amount to be distributed to localities shall be \$197,295,927 the first year and \$197,295,927 the second year. The amount to be distributed to each locality in the second year shall be equal to the amount distributed to the locality in the first year."

**Explanation:**

(This amendment restores \$6,644,182 the second year from the general fund for state aid to localities with police departments (pursuant to House Bill 599 of 1979). With the addition of these funds, the House Bill 599 program will be level funded in fiscal year 2010, rather than reduced by \$6,644,182 below the fiscal year 2009 amount in the budget as introduced.)

Item 399 #1c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Emergency Management	\$0	\$275,000	GF

**Language:**

Page 443, line 20, strike "\$27,749,656" and insert "\$28,024,656".

**Explanation:**

(This amendment restores \$275,000 the second year from the general fund for hazardous materials training and response.)

Item 411 #1c

**Public Safety**

Department Of Juvenile Justice

Language

**Language:**

Page 450, line 54, after "locality.", insert:

"The Director, Department of Planning and Budget, may increase the general fund appropriation for this item up to the amount of unobligated VJCCCA funds returned to the Department of Juvenile Justice."

**Explanation:**

(This amendment adds language authorizing the Director, Department of Planning and Budget, to increase the general fund appropriation up to the amount of unobligated Virginia Juvenile Community Crime Control Act (VJCCCA) grants returned by localities to the Department of Juvenile Justice. This would allow the department to reprogram these funds to local programs demonstrating the greatest effectiveness in juvenile crime prevention. The language presently in the budget inadvertently forces a one-year lag since the funding would need to be reflected in the department's year-end balances.)

Item 419 #1c

**Public Safety**

Department Of State Police

Language

**Language:**

Page 456, after line 52, insert:

"I. The Superintendent of State Police is authorized to and shall establish a policy and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry. The State Superintendent of State Police shall charge no fee for the transfer of any information

from the Virginia Sex Offender Registry to the Statewide Automated Victim Notification (SAVIN) system."

**Explanation:**

(This amendment authorizes the Superintendent of State Police to develop a policy and fee for the transmission of public information about the Virginia Sex Offender Registry. Any fees collected by the Department of State Police will be used to defray the costs of maintaining the Sex Offender Registry. An exception to this policy is created for the Statewide Automated Victim Information System.)

Item 420 #1c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of State Police	0.00	7.00	FTE

**Explanation:**

(This amendment provides 7.00 FTE from nongeneral funds the second year for the Northern Virginia Internet Crimes Against Children Task Force. A companion amendment to the Department of Criminal Justice Services in Item 395 provides for an allocation of \$950,000 from federal funds for the Department of State Police for the operation of this task force. This amendment provides the positions necessary to operate the program.)

Item 420 #2c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of State Police	\$0	\$1,000,000	GF

**Language:**

Page 456, line 55, strike "\$225,628,859" and insert "\$226,628,859".

Page 458, line 5, strike "\$2,645,375" and insert "\$1,645,375"

Page 458, line 8, strike "\$1,600,000" and insert "\$600,000".

Page 458, line 9, after "from", insert "a portion of".

**Explanation:**

(This amendment restores \$1.0 million to the Department of State Police to support its med-flight operations. A companion amendment in Item 290 reduces the amount of new \$4 for Life funding transferred to assist with med-flight operations.)

**Public Safety**

Department Of State Police

Language

**Language:**

Page 460, line 32, before "Appropriation", insert: "A."

Page 460, after line 4, insert:

"B. The Director, Department of Planning and Budget, shall unallot and transfer to the general fund an amount estimated at \$476,284 on or before June 30, 2009, and shall unallot and transfer an amount estimated at \$3,779,155 on or before June 30, 2010.

C. The Director, Department of Planning and Budget, shall unallot and transfer to the general fund an amount estimated at \$125,000 on or before June 30, 2009, from the Northern Virginia Internet Crimes Against Children Task Force."

**Explanation:**

(This amendment transfers to the general fund State Police operating balances estimated at \$476,284 the first year and \$3,779,155 the second year. These balances result from delayed starting dates for basic trooper schools at the State Police Academy. This amendment also captures a balance of \$125,000 the first year from the Northern Virginia Internet Crimes Against Children Task Force.)

**Public Safety**

Department Of Veterans Services

**FY 08-09**

\$50,000

**FY 09-10**

\$100,000 GF

**Language:**

Page 461, line 22, strike "\$6,232,901" and insert "\$6,282,901".

Page 461, line 22, strike "\$5,732,901" and insert "\$5,832,901".

Page 462, strike lines 8 through 11 and insert:

"service in combat zones. Included in this appropriation is \$100,000 each year from the general fund for the continued development of the electronic claims system pilot project. It is the intent of the General Assembly that the restoration of \$50,000 in the first year for the electronic claims system pilot project shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in this Item and in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly."



**Explanation:**

(This amendment restores \$50,000 from the general fund the first year for the electronic claims system pilot project, and adds an additional \$100,000 in the second year to continue the project.)

Item 428 #1c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Parole Board	\$0	\$51,677	GF

**Language:**

Page 463, line 7, strike "\$760,236" and insert "\$811,913".

Page 463, after line 10, insert:

"It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in Item 322.05 and § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly."

**Explanation:**

(This amendment eliminates the proposed conversion of two Parole Board members to part-time status.)

Item 430 #1c

<b>Technology</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Innovative Technology Authority	\$0	(\$125,000)	GF

**Language:**

Page 464, line 23, strike "\$5,847,337" and insert "\$5,722,337".

Page 465, strike lines 33 through 36.

Page 465, line 37, strike "I" and insert "H".

**Explanation:**

(This amendment transfers remaining funding related to the Virginia Electronic Commerce Technology Center (VECTEC) from the Innovative Technology Authority to Christopher Newport University which houses the VECTEC. This is a companion amendment to Item 154.)

Item 432 #1c

<b>Technology</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Information Technologies Agency	0.00	-37.00	FTE

**Explanation:**

(This amendment makes a technical correction to the agency's maximum employment level that reflects employee attrition resulting from the out-sourcing agreement with Northrop Grumman.)

Item 433 #1c

<b>Technology</b>		<b>Language</b>
Virginia Information Technologies Agency		

**Language:**

Page 469, strike lines 5 through 56.

Page 470, strike lines 1 through 57.

Page 471, strike lines 1 through 12.

Page 469, after line 4, insert:

"A.1. Effective July 1, 2009, the Virginia Enterprise Applications Program Office will cease as an agency and the activities will become effective as the Division of Enterprise Applications, headed by the Chief Applications Officer, under this program.

2. Effective July 1, 2009, the amounts provided in this item include funding for the Division's operation and projects currently under the Virginia Enterprise Applications Program Division (VEAP). The Information Technology Investment Board will not budget any amounts for these projects from revenues it receives from billings or overhead which it charges to other agencies for services, unless it can clearly demonstrate that the project benefits the Commonwealth and is recoverable under Federal overhead guidelines.

3. On July 1 and January 1 of each year, the CAO shall report and recommend to the Chief Information Officer and the Information Technology Investment Board the processes reviewed and the data standards established and adopted in § 2.2-2033, Code of Virginia. The CAO shall report every six months to the Governor and the Information Technology Investment Board progress in the areas the division is

responsible for implementing and any agencies and institutions that have not cooperated with the implementation.

B. 1. Notwithstanding any other provision of law except the limitations imposed by § 2.2-518, § 2.2-4803 and § 2.2-4806, Code of Virginia, Executive Department agencies and institutions may enter into management agreements with CGI Technologies & Solutions, Inc. (CGI) for debt collection and cost recovery services pursuant to Statements of Work 6 and 7 of the Enterprise Applications Master Services Agreement between the Commonwealth of Virginia and CGI. Work on enhanced collections and recoveries shall not proceed if they commit the Commonwealth to expanding or significantly altering any existing federal or state program without the review and approval of the Governor and General Assembly.

2. Moneys resulting from enhanced collections and cost recoveries pursuant to this item shall be held in the Virginia Technology Infrastructure Fund as established by § 2.2-2023, Code of Virginia.

C. Nothing in this item shall prevent Executive Department agencies or institutions from committing resources to support the coordinated efforts of the CAO. Such agency commitments shall be detailed in the CAO's quarterly reports to the Information Technology Investment Board.

D. Effective July 1, 2009, the working capital advance established for the Virginia Enterprise Applications Program Office (VEAP) is hereby brought forward to this item to cover up to \$30,000,000 for expenditures from anticipated revenues from enhanced collections and cost recoveries to be collected pursuant to this item and will be deposited to the Virginia Technology Infrastructure Fund. The repayments of any such working capital advance shall be made from such enhanced collections and cost recoveries. No funds derived from this working capital advance shall be expended without the prior budget approval of the Information Technology Investment Board and the Secretary of Finance. The CAO shall inform the Governor, the Chairmen of the House Appropriations and Senate Finance Committees of the anticipated use.

E. The Department of Planning and Budget shall not take any administrative actions to reduce these amounts without notification to the Chairmen of the House Appropriations and Senate Finance Committees.

F. The Information Technology Investment Board shall work with the Secretaries of Technology and Finance to close any projected differences between budgeted funds

and projected costs by reducing costs within affected agencies for decentralized services through changes in transformation planning, applications services, and information technology contract support. The Information Technology Investment Board shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on these efforts by October 1, 2009."

**Explanation:**

(This amendment modifies language related to the transfer of the Virginia Enterprise Applications Program Office (VEAP) to the Virginia Information Technologies Agency (VITA) by 1) strengthening the role of the Information Technology Investment Board in personnel decisions related to the Chief Applications Officer (CAO), 2) clarifying the nature of the responsibilities of the CAO, and 3) prohibiting the use of VITA general overhead funding for the operations of the Division of Enterprise Applications.)

Item 434 #1c

**Technology**

Virginia Information Technologies  
Agency

Language

**Language:**

Page 472, strike lines 33 through 38.

**Explanation:**

(This amendment is a companion amendment to Item 433, which clarifies the transfer of the Virginia Enterprise Application Program Office to the Virginia Information Technologies Agency.)

Item 436 #1c

**Transportation**

Secretary Of Transportation

Language

**Language:**

Page 477, after line 8, insert:

"H. No more than seven days after the enactment of House Bill 1600, 2009 Session of the General Assembly, the Secretary of Transportation shall provide to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees a prioritized and comprehensive

listing of transportation projects that would be ready to be advertised if funding were to become available in the federal economic stimulus package, regardless of whether or not final criteria have been released."

**Explanation:**

(This amendment requires the Secretary of Transportation to compile a prioritized statewide list of transportation projects which are ready to be advertised for bid. This list would include all projects sufficiently advanced to be advertised even if the particular projects may not be eligible under the final requirements of such legislation.)

Item 449 #1c

**Transportation**

Department Of Rail And Public  
Transportation

Language

**Language:**

Page 486, after line 18, insert:

"F. Notwithstanding the provisions of § 58.1-638 subdivision 4f, for the second year, at the written request of the governing board of the transit property, the Commonwealth Transportation Board shall allocate no more than the fiscal year 2009 capital allocation from the Mass Transit Fund to the operating expenses of such transit property in accordance with § 58.1-638 subdivision 4b. In determining such amount for allocation, only the funds available for capital purposes in the Commonwealth Mass Transit Fund, exclusive of any federal funding or debt financing, shall be included. Each transit system may flex a portion of their capital grant for operating expenses up to the amount of operating assistance that would have been available for each system in fiscal year 2009, based on the Six-Year Program adopted by the Commonwealth Transportation Board in June 2008. Each transit system shall provide a report to DRPT detailing the actual amount of capital funds used to support operations of the transit system, as well as an estimate of any foregone federal, state, local or private sources of capital funding."

**Explanation:**

(This amendment allows for local transit properties to request a one-year transfer of funding allocated to them from the Mass Transit Capital Fund to Mass Transit Operating Funds in order to maintain operating funding at the 2009 funding level. The amendment does not reduce formula allocations for capital or operating expenses, but does allow a transit provider the discretion to use capital allocations for

operating expenses. This amendment does not allocate new funding to the Mass Transit Fund.)

Item 451 #1c

**Transportation**

Department Of Rail And Public  
Transportation

Language

**Language:**

Page 487, line 25, strike "a sound wall", and insert "sound walls".

**Explanation:**

(This amendment provides flexibility to the Department of Rail and Public Transportation in constructing sound barriers in conjunction with the construction of a rail mass transit system in the right-of-way of the Dulles Access Toll Road and the intersection of Route 123.)

Item 452.05 #1c

**Transportation**

Department Of Rail And Public  
Transportation

Language

**Language:**

Page 487, line 43, before "Appropriation" insert "A."

Page 487, after line 46, insert:

"B. The director shall implement actions as necessary to carry out the appropriation reductions contained in this item provided that the proportional reductions among the subprograms contained in Item 449 do not conflict with the requirements set out in that item and provided further that reductions to Item 450 reflect the proportional reductions to the revenue sources dedicated to such activities."

**Explanation:**

(This amendment authorizes the director of the Department of Rail and Public Transportation to take the necessary actions to reduce the appropriations within that agency but requires that reductions to the rail programs reflect reductions to that dedicated revenue source, reductions to transit programs reflect reductions to sources dedicated to that purpose, and further requires that the distribution among the transit capital and operating programs reflect the requirements set out in the item governing

those programs.)

Item 455 #1c

## **Transportation**

Department Of Transportation

Language

### **Language:**

Page 490, after line 45, insert

"I.1. It is the intent of the General Assembly that prior to the completion of construction of High Occupancy Toll Lanes on the I-495 Capital Beltway, the Virginia Transportation Research Council (VTRC) will conduct a review of reforestation best practices and approaches used with major infrastructure improvements in densely populated areas. The VTRC shall report its findings to the Secretary of Transportation and the Commonwealth Transportation Board prior to December 31, 2009.

2. Following completion of the review, the Department of Transportation shall recommend to the Secretary and Commonwealth Transportation Board the most effective approach to restore vegetation within the construction corridor. The Department shall provide a report including estimates of costs to the Secretary and the Chairmen of the House Appropriations and Senate Finance Committees by June 30, 2010."

### **Explanation:**

(This amendment requires VDOT to review and report on other state approaches to reforestation of highway corridors in densely populated areas. The amendment further requires the Department to recommend a reforestation plan for the current Capital Beltway High-Occupancy Toll Lane Project and report estimated costs to the House Appropriations and Senate Finance Committees.)

Item 462.05 #1c

## **Transportation**

Department Of Transportation

Language

### **Language:**

Page 499, strike lines 41 through 48.

Page 500, strike lines 1 through 3 and insert:

"A. Appropriation reductions in this item and specified in § 4-1.08 of this act shall

apply notwithstanding any language and amounts to the contrary within other items of this act.

B. 1. The Commonwealth Transportation Commissioner shall implement actions as necessary to carry out the appropriation reductions contained in this item pursuant to the terms and limitations set forth in the following paragraphs and in compliance with the intent and provisions of Item 436 of this act. The Director, Department of Planning and Budget, is authorized to transfer appropriations in this act as necessary to carry out the budget reductions contained in this item.

2. In carrying out the appropriation reductions contained in this item, the actions implemented will be based on a Comprehensive Plan developed by the Commonwealth Transportation Commissioner which follows the outline documented in "VDOT's Blueprint" as presented to the Commonwealth Transportation Board on February 13, 2009. The Commissioner shall present the proposed Comprehensive Plan to the Governor, the Chairmen of the House Appropriations, House Transportation, Senate Transportation, and Senate Finance Committees prior to implementation. The Plan shall define the relative proportion of reductions that shall be achieved through reductions in the Six-Year Program, changes to the department's organizational structure at both the administrative and operational levels in both the field and central office, and adjustments to service levels for maintenance and operational programs provided by the department. Implementation of these actions will begin in fiscal year 2009 and continue through fiscal year 2010. The Plan shall be phased so as to ensure that the necessary savings are achieved to meet the budgetary reductions set out in this item.

3. Such plan shall also:

a. ensure that maintenance and operations of existing highway infrastructure is focused on emergency response, congestion mitigation, pavement rehabilitation based on the lowest pavement condition ratings, and bridge repair and replacement based on structurally deficient structures;

b. set service and staffing levels for VDOT programs that have clear and measurable performance requirements;

c. ensure contractual spending of VDOT funding comprise no less than 70 percent of total VDOT expenditures each fiscal year;

d. reconfigure, including the elimination and consolidation of organizational units



and VDOT facilities, to achieve at least a 30 percent reduction in the number of 1) central office divisions, 2) residency offices, and 3) equipment and repair shops;

e. as part of the consolidation of organizational units, ensure that the supervisory layers between the lowest line staff and the leadership position reporting directly to the Commissioner or Deputy Commissioner shall be no more than five;

f. use an objective methodology on which to base all actions and take no actions until public input has been considered;

g. ensure that appropriate accountability, compliance, and oversight by auditors is conducted on all programs and functions on a periodic basis; and

h. have no more than 7,500 full-time positions filled on June 30, 2010.

C. The Commissioner shall provide a quarterly progress report detailing each action and its impact on the VDOT budget to the Governor, the Chairmen of the House Appropriations, House Transportation, Senate Transportation, and Senate Finance Committees, and the Commonwealth Transportation Board. Such reports shall include a detailed enumeration of progress that has been made to reduce the department's expenditure levels in order to meet the reduction levels required by this item, an update on the next phase of actions planned to address the reductions, any obstacles encountered in implementing these reductions, and any adjustments to the Plan are required by the Commonwealth Transportation Board."

**Explanation:**

(This amendment details how VDOT will allocate the reductions included in the introduced budget. House Bill 1600 included reductions over the biennium of \$575.0 million for the department, but did not specify how they would be distributed. The language above ties the VDOT reductions to the plan presented by the VDOT Commissioner to the Commonwealth Transportation Board and to the legislative committees and includes a quarterly reporting requirement.)

Item 462.05 #2c

<b>Transportation</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Transportation	(\$54,608,735)	(\$70,220,797)	NGF

**Language:**

Page 499, line 37, strike "\$284,552,572" and insert "\$339,161,307".

Page 499, line 37, strike "\$289,646,393" and insert "\$359,867,190".

**Explanation:**

(This amendment reflects the full impact of the December, 2008 transportation revenue reforecast on the VDOT budget. Because of the timing of the reforecast, the Department was not able to include all changes prior to the introduction of the budget. These amounts reflect the revised Six-Year Program adopted by the Commonwealth Transportation Board in February, 2009.)

Item 467 #1c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$5,000,000)	GF
	\$3,397,757	\$2,118,543	NGF

**Language:**

Page 507, line 5, strike "\$13,280,645" and insert "\$16,678,402".

Page 507, line 5, strike "\$13,280,645" and insert "\$10,399,188".

Page 507, line 30, after "\$12,040,957", insert:

"from the general fund and \$3,397,757 from nongeneral funds".

Page 507, line 31, strike "\$12,040,957 " and insert:

"\$7,040,957 from the general fund and \$2,118,543 from nongeneral funds".

Page 507, line 31, strike "from".

Page 507, line 32, strike "the general fund".

**Explanation:**

(This is a technical amendment that adjusts interest earnings payable to higher education institutions to reflect revised interest rates earned on state cash balances.)

Item 468 #1c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$300,000)	GF

**Language:**

Page 508, line 20, strike "\$950,000" and insert "\$650,000".

Page 508, line 28, strike "\$950,000" and insert "\$650,000".

**Explanation:**

(This amendment reduces funding for the Productivity Investment Fund managed

by the Secretary of Technology. The fund provides state agencies with up-front cash for various proposals designed to improve their organization or service delivery and to promote productivity.)

Item 472 #1c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 517, strike lines 44 through 47, and insert:

"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."

**Explanation:**

(This amendment strikes language included in the introduced budget eliminating coverage for lap band and gastric bypass surgery under the state employee health program. The replacement language makes coverage for these procedures contingent on the beneficiary completing a weight management program. It is the intention of the Chairmen of the House Appropriations and Senate Finance Committees to communicate to the Governor the assumptions for benefit plan and cost sharing changes for the health care program assumed in this Act for fiscal year 2010.)

Item 472.1 #1c

**Central Appropriations**

Central Appropriations

**FY 08-09**

**FY 09-10**

\$0

\$3,121,256 GF

**Language:**

Page 518, line 25, strike "\$90,324,589" and insert "\$87,203,333".

Page 519, line 23, strike ".80" and insert "1.00".

Page 519, line 34, strike "\$41,940,871" and insert "\$37,540,615".

Page 519, strike lines 56 through 58.

Page 520, strikes lines 1 through 16, and insert:

"D.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 3 of Title 51.1 (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.

4. The Director of the Department of Planning and Budget shall withhold and transfer general fund amounts of \$1,279,000 the second year from the appropriations of state agencies and institutions of higher learning to this item, representing savings from reduced expenditures for short-term disability benefits pursuant to the policy changes authorized in this item."

Page 520, line 17, strike "5." and insert "E."

**Explanation:**

(This amendment restores funding for the Long-Term Care insurance program for state employees enrolled in the Virginia Sickness and Disability Program (VSDP), increases the recurrent period for repeat Short-Term Disability (STD) claims from 14 workdays to 45 workdays, institutes a one-year waiting period for new employees before receiving STD benefits for non-work related claims, and institutes a cap of 60 percent on the STD income replacement rate until a new employee services a five-year vesting period. These changes to the STD program are meant to bring the VSDP program in line with best practices prevalent in private sector disability plans.)

Item 473 #1c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$6,005,454)	GF

**Language:**

Page 520, line 28, strike "\$38,781,734" and insert "\$32,776,280".

Page 524, line 18, strike "and".

Page 524, line 19, strike "\$6,005,454 the second year."

**Explanation:**

(This amendment eliminates second year funding for undistributed decentralized information technology rate increases. The introduced budget accelerates \$3.5 million from the second year to address shortfalls in the current year. Language contained in Item 433 of this act directs the Governor and the Information Technology Investment Board to close any projected differences between budgeted funds and projected costs through changes in service levels. This reduction was required to offset the loss of revenues assumed in the budget as introduced.)

Item 473 #2c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$1,200,000)	GF

**Language:**

Page 520, line 28, strike "\$38,781,734" and insert "\$37,581,734".

Page 521, line 44, strike "each year" and insert "in the first year".

**Explanation:**

(This amendment eliminates the second year appropriation for economic contingency in light of the sizeable balances that have been carried forward for this program.)

Item 473 #3c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$9,400,000)	GF

**Language:**

Page 520, line 28, strike "\$38,781,734" and insert "\$29,381,734".

Page 524, line 2, strike "and".

Page 524, line 3, strike "\$9,400,000 the second year".

Page 524, line 5, after "Commonwealth." insert:

"The Governor shall restore \$9,400,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal

Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment eliminates general funds for the aerospace manufacturing incentive grant program in the second year. A companion amendment in Item 475.50 restores the same amount from federal stimulus funds available under the American Recovery and Reinvestment Act of 2009.)

Item 473 #4c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$2,000,000)	GF

**Language:**

Page 520, line 28, strike "\$38,781,734" and insert "\$36,781,734".

Page 524, line 36, strike "and \$2,000,000 the second year".

Page 524, line 38, after "Virginia." insert

"The Governor shall restore \$2,000,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment eliminates general funds for the research related grant program in the second year. A companion amendment in Item 475.50 restores the same amount from federal stimulus funds available under the American Recovery and Reinvestment Act of 2009.)

Item 473 #5c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$19,500,000)	GF

**Language:**

Page 520, line 28, strike "\$38,781,734" and insert "\$19,281,734".

Page 523, line 3, strike "and \$19,500,000 the second year".

Page 523, line 21, after "sources." insert

"The Governor shall restore \$19,500,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal

Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

**Explanation:**

(This amendment eliminates general funds for programs administered by the Virginia National Defense Industrial Authority in the second year. A companion amendment in Item 475.50 restores the same amount from federal stimulus funds available under the American Recovery and Reinvestment Act of 2009.)

Item 473 #6c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$1,572,071	\$1,737,970	GF

**Language:**

Page 520, line 28, strike "\$25,305,454" and insert "\$26,877,525".

Page 520, line 28, strike "\$38,781,734" and insert "\$40,519,704".

Page 525, after line 14, insert:

"O. The Director of the Department of Planning and Budget is authorized to transfer amounts totaling \$1,572,071 in the first year and \$1,737,970 in the second year to Items 1, 5, 6, 29 and 51 to fund their portion of the increased charges to legislative branch agencies and the Governor's office from the Department of General Services for the Maintenance and Operation of the Capitol and the General Assembly Building."

**Explanation:**

(This amendment provides funding within Central Appropriations for the increased charges to the House of Delegates, Senate, the Division of Legislative Services, the Division of Legislative Automated Services, Joint Legislative Audit and Review Commission, and the Governor's Office for increased charges from DGS for the maintenance and operation of the Capitol and the General Assembly Building.)

Item 475 #1c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	\$0	(\$1,317,440)	GF

**Language:**

Page 526, line 22, strike "\$3,117,440" and insert "\$1,800,000".

Page 526, line 27, strike "\$3,117,440" and insert "\$1,800,000".

**Explanation:**

(This amendment removes the proposed increase to the new transfer grant program which was contingent upon legislation that failed to pass during the 2009 Session.)

Item 475.1 #1c

**Central Appropriations**

Central Appropriations

**FY 08-09**

(\$200,000)

**FY 09-10**

(\$500,000) GF

**Language:**

Page 526, line 37, strike "\$32,399,579" and insert "\$32,599,579".

Page 526, line 37, strike "\$14,594,279" and insert "\$15,094,279".

Page 527, after line 24, insert:

"C.1 The Governor shall develop guidelines for the Executive Branch and Administrative Agencies to decrease the need for printed materials, particularly those well-suited for electronic distribution on the internet. Beyond a limited number for senior decision makers in the Executive, Legislative, and Judicial branches of government, all annual or special reports will be made electronically available on the internet and not printed. Within guidelines established by the Governor, there shall be business case exceptions for departments and agencies in the executive branch to request exceptions for those documents that are essential to the public and must be, given their nature and general use, made available in a printed format. The intent of the General Assembly is, to the fullest extent possible, to make documents available to the general public on the internet and reduce the cost associated with printing those documents. The Governor will report to the Chairmen of the House Appropriations Committee and the Senate Finance Committee a plan to implement this provision within 30 days of enactment and issue guidelines for the implementation of the plan with 60 days of enactment.

2. General fund savings realized through reduced printing expenditures, estimated at \$200,000 in the first year and \$500,000 the second year shall be transferred to this item by the Director of the Department of Planning and Budget."

**Explanation:**

(This amendment assumes savings of \$700,000 over the biennium from reduced expenditures for printing reports.)



**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 529, after line 45, insert:

"475.50. American Recovery and Reinvestment Act of 2009

"A. General Conditions:

1. The Governor is hereby authorized to allocate sums from this item to state agencies and institutions of higher education pursuant to the American Recovery and Reinvestment Act of 2009, subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated subject to the provisions and conditions contained in this item.

2. Any unexpended balance remaining in the item as of June 30, 2009, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the succeeding fiscal year. Any unexpended balance remaining in this item on June 30, 2010, shall be carried forward on the books of the Comptroller and shall be available for expenditures in the next biennium.

3. Records Management and Reporting

a. Agencies receiving funds from the item shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

b. Agencies receiving funds from this item shall comply with all federal reporting requirements for the receipt of any funds from the American Recovery and Reinvestment Act of 2009 and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

c. Agencies receiving funds from this item shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.

4. The Governor shall submit a quarterly report to the Chairmen of House

Appropriations and Senate Finance Committees which itemizes any disbursements made from this item.

B. Apportionment

1. The following table represents the estimated potential revenues to be received from the federal distributions of the American Recovery and Reinvestment Act:

Medicaid - Federal Medicaid Assistance Percentage	\$1,284,768,015
Medicaid - Disproportionate Share Hospitals	\$4,344,643
Foster Care and Adoption	\$13,360,349
Immunization	\$5,621,650
Fiscal Stabilization - Education	\$983,865,903
Fiscal Stabilization - General	\$218,904,149
Title 1 - Grants to Local Education Authorities	\$165,311,666
Title 1 - School Improvement	\$47,913,000
Part B of the IDEA - Special Education	\$281,415,033
Part B of the IDEA - Preschool Special Education	\$9,470,492
Part C of the IDEA - Early Intervention Services	\$10,265,580
Educational Technology	\$10,801,292
Education for Homeless	\$1,009,000
Work Study	\$3,743,333
Vocational Rehabilitation	\$11,601,624
Independent Living	\$342,443
Highways and Bridges	\$694,461,000
Transit Capital Grants - Urban	\$93,340,956
Transit Capital Grants - Rural	\$18,555,163
Rail Modernization - Fixed Guideway	\$4,209,386
Drinking Water State Revolving Fund	\$20,761,000
Clean Water State Revolving Fund	\$80,826,900
Weatherization	\$96,931,634
State Energy Program	\$69,266,744
Emergency Food and Shelter	\$1,247,314
The Emergency Food Assistance Program	\$1,704,161
Food Stamp Administration	\$5,300,000
School Lunch Equipment	\$2,194,703
Elderly Nutrition	\$3,029,000
CCDF Childcare	\$37,892,000
Head Start	\$11,179,767
Community Services Block Grant	\$16,009,000
Public Housing Capital Fund	\$51,212,000

Community Development Block Grant - Entitlement	\$11,311,643
Community Development Block Grant - Non-Entitlement	\$5,331,340
HOME Investment Partnerships Program	\$44,189,767
Homelessness Prevention	\$24,934,000
Crime Victims Assistance Grants	\$1,013,000
Crime Victims Compensation	\$345,687
Internet Crimes Against Children	\$1,901,510
Violence Against Women	\$5,516,971
Byrne Justice Assistance Grant	\$39,369,013
Unemployment Insurance Administration	\$13,737,000
Employment Service	\$8,596,000
Community Service for Older Americans	\$2,570,474
Workforce Investment Act - Adult	\$5,280,438
Workforce Investment Act - Youth	\$13,113,750
Dislocated Workers	\$13,564,389
Food Stamp Benefits	\$355,000,000
Child Support Enforcement	\$40,400,000
TOTAL	\$4,847,033,882

2. The appropriation in this item includes an amount estimates at \$368,795,338 the first year and \$593,665,047 the second year from federal funds to be distributed to the Department of Medical Assistance Services for payment Medicaid expenses from the Medicaid - Federal Medicaid Assistance Percentage and the Medicaid - Disproportionate Share Hospitals funds cited in paragraph B.1. above.

3. The appropriation in this item includes an amount estimated at \$365,187,984 the second year from federal funds to be distributed to the Department of Education – Direct Aid to Public Education (Item 141) for payment to local school divisions from the Fiscal Stabilization – Education fund cited in paragraph B.1. above.

4. a. The appropriation in this item includes an amount estimated at \$126,744,967 the second year from federal funds to be distributed to the educational and general program at institutions of higher education from the Fiscal Stabilization – Education fund cited in paragraph B.1. above.

b. Allocations for institutions of higher education from the Fiscal Stabilization – Education fund cited in paragraph B.1. above are as follows:

<b>Institution</b>	<b>Amount</b>
Christopher Newport University	\$3,492,779

Virginia Community College System	\$19,406,739
George Mason University	\$10,912,431
James Madison University	\$7,301,608
Longwood University	\$3,169,668
Virginia Institute of Marine Science	\$660,246
Norfolk State University	\$4,230,688
Old Dominion University	\$12,787,803
Radford University	\$5,482,461
Richard Bland College	\$343,420
University of Mary Washington	\$2,387,643
University of Virginia	\$10,722,655
University of Virginia -- Wise	\$1,618,522
Virginia Commonwealth University	\$20,541,737
Virginia Military Institute	\$1,242,513
Virginia State University	\$1,305,733
Virginia Tech	\$17,322,599
College of William and Mary	\$3,815,722

c. 1) Consistent with the provisions of the Section 14004 (a), Title XIV of the American Recovery and Reinvestment Act of 2009, it is the intent of the General Assembly that funding in this item is to mitigate the need to raise tuition on in-state students at public colleges and universities. By October 1, 2009, the State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees the educational and general program tuition and fee increases at each higher education institution for fiscal year 2010 including an estimate of additional revenue generated from these increases by student type and domicile.

2) The State Council of Higher Education for Virginia and the Director, Department of Planning and Budget shall inform each Board of Visitors on the requirements of Title XIV of the American Recovery and Reinvestment Act of 2009. The tuition actions of each Board of Visitors will be incorporated in the report submitted to the Secretary of Education required under Section 14008 (6), Title XIV of the American Recovery and Reinvestment Act of 2009.

3) The Governor and the General Assembly will review the actions of the Board of Visitors of each college or university concerning tuition and fees and other relevant information in accordance with the objectives and requirements of Title XIV of the American Recovery and Reinvestment Act of 2009 or regulation thereto.

5. The appropriation in this item includes an amount estimated at \$109,452,074 in the second year from federal funds contained in the Fiscal Stabilization – General fund cited in paragraph B.1. above. This appropriation shall be distributed to the items and purposes prescribed below:

Item C-14.40, Luter School of Business, for the purpose of advancing capital projects to full planning	\$1,100,230
Item C-19.15, Integrated Science Center Phase III, for the purpose of advancing capital projects to full planning	\$2,200,230
Item C-39.15, Duke Hall, for the purpose of advancing capital projects to full planning	\$1,100,230
Item C-61.50, Ruffner Hall, for the purpose of advancing capital projects to full planning	\$1,100,230
Item C-91.10, Engineering Signature Building, for the purpose of advancing capital projects to full planning	\$1,100,230
Item C-177.20, for the purpose of capital planning	\$4,450,000
Item C-0, for the purpose of project detailed planning	\$16,650,000
Item 361 G, for the purpose of Best Management Practices	\$5,200,000
Item 254, for the purpose of the Commonwealth Technology Research Fund	\$1,000,000
Item 470, for the purpose of the Virginia Tobacco Settlement Fund	\$7,309,000
Item 110, for the purpose of the Fort Monroe Federal Area Development Authority	\$1,556,934
Item 361 G, for the purpose of Best Management Practices	\$10,000,000
Item 473 H, for the purpose of the Base Realignment and Closure Commission	\$19,500,000
Item 473 I, for the purpose of Rolls Royce incentive package	\$9,400,000
Item 105, for the purpose of the Governor’s Opportunity Fund	\$588,945
Item C-181.20, for the purpose of capital improvements	\$4,000,000
Item 473 M, for the purpose of SRI International	\$2,000,000
Item 277, for the purpose of regional jail reimbursement	\$2,633,289
Item 105, for the purpose of investment performance grants	\$1,562,756
Item 362, for the purpose of the Virginia Land Conservation Fund	\$2,000,000
Item C-0, for the purpose of building maintenance at state agencies and institutions of higher education	\$15,000,000

6. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department for the Aging for elderly nutritional services from the amounts cited in paragraph B.1. above.
7. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Health from the Drinking Water State Revolving Fund cited in paragraph B.1. above.
8. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Mental Health, Mental Retardation and Substance Abuse Services for early intervention services from Part C of the Individuals with Disabilities Education Act of 2004 cited in paragraph B.1. above.
9. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Rehabilitative Services for independent living services cited in paragraph B.1. above.
10. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Rehabilitative Services for vocational rehabilitation services cited in paragraph B.1. above.
11. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Social Services for child support enforcement cited in paragraph B.1. above.
12. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Social Services for child care services from the Child Care and Development Block Grant cited in paragraph B.1. above.
13. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Social Services for food stamp benefits cited in paragraph B.1. above.
14. The appropriation in this item includes amounts estimated from federal funds to be distributed to the Department of Social Services from the Community Services Block Grant cited in paragraph B.1. above.
15. The appropriation in this item includes an amount estimated at \$23.3 million the

second year from federal funds to be distributed to the Compensation Board for Sheriff's Offices from the Byrne Justice Assistance Grant cited in paragraph B.1. above.

16. It is the intent of the General Assembly that the Commonwealth maximize use of the funds available from the American Recovery and Reinvestment Act of 2009. The Governor shall take all actions necessary to ensure that applications for funds are submitted and that funds are received in a timely manner. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law. To the extent that such funds are not appropriated in and distributed from the legislative appropriation in this item, the Governor shall authorize such appropriation in accordance with the provisions of this act and shall make such a transfer or distributions as necessary to ensure the appropriate and timely use of the available federal funds. All such transactions to create or increase an appropriation or to transfer an appropriation pursuant to the American Recovery and Reinvestment Act of 2009 shall be reported to the Chairmen of the House Appropriations Committee and the Senate Finance Committee on a quarterly basis."

**Explanation:**

(This amendment authorizes the use of federal funds under the American Recovery and Reinvestment Act of 2009.)

Item 485 #1c

**Independent Agencies**

Virginia Retirement System

Language

**Language:**

Page 534 strike lines 53 through 56.

Page 535 strike lines 1 through 7 and insert:

"E.1. In the second year, as an alternative to the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, rates paid to the VRS on behalf of employees of participating counties, cities, towns, and local public school divisions may, at each participating employer's option, be based on the results of the June 30, 2007 actuarial valuation of assets and liabilities assuming an investment return of eight percent, a cost of living increase of three percent, and an amortization period of 30 years.

2. Counties, cities, towns, and local public school divisions electing to utilize the

optional actuarial assumptions authorized in paragraph E.1 must certify to the board of the Virginia Retirement System by resolution adopted by the local board that they: 1) are electing to exercise such option, and 2) have reviewed and understand the information provided by the Virginia Retirement System outlining the potential future fiscal implications of such election.

3. Prior to electing to utilize the optional actuarial assumptions authorized in paragraph E.1 local public school divisions must receive the concurrence of the local governing body. Such concurrence must be documented by a resolution of the governing body.

4. The board of the Virginia Retirement System shall: 1) provide all counties, cities, towns, and local public school divisions participating in the Virginia Retirement System with a summary of the implications inherent in the use of the actuarial assumptions set out in paragraph E.1., and 2) shall establish minimum fiscal standards for participation in this program of alternative actuarial assumptions that will consider, but not necessarily be limited to, the index of local fiscal stress."

**Explanation:**

(This amendment allows counties, cities, towns, and local public school divisions to utilize optional actuarial assumptions for retirement plans, consistent with those used by the Commonwealth.)

Item 487 #1c

<b>Independent Agencies</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Retirement System	4.00	4.00	FTE

**Explanation:**

(This amendment provides four additional full time positions within the Virginia Retirement System. This will enable the VRS to convert four part-time call center staff to full time status, which is needed due to increased call volume.)

Item 489 #1c

<b>Independent Agencies</b>	
Virginia Workers' Compensation Commission	Language



**Language:**

Page 536, after line 9, insert:

"Out of the amounts appropriated for this item, \$50,000 the second year is provided for compensation of Kurt E. Beach, a former member of the Smithfield Police Department, for injuries to his health that occurred in the course of his employment. In addition, beginning July 1, 2010, and ending June 30, 2020, additional payments of \$20,000 per year shall be paid to Kurt E. Beach to offset the continuing costs of his health care."

**Explanation:**

(This amendment provides \$50,000 in the second year from the Virginia Workers' Compensation Commission for relief of Kurt E. Beach, a former Smithfield Police Department investigator, who contracted hepatitis C while trying to revive an unconscious small child. The amendment also provides for the payment of \$20,000 each year from July 1, 2010 to June 30, 2020 to compensate Mr. Beach for his ongoing health care needs.)

Item C-0 #1c

**General Conditions**

General Conditions

Language

**Language:**

Page 546, after line 36, insert:

"Department of Mental Health, Mental Retardation and Substance Abuse Services

Plan Community Housing 0965 17733 \$233,000

Plan Community Housing 0965 17774 \$250,000

Central Capital

Unallocated Planning Funds 0965 17777 \$3,475,150

Planning Projects Listed Below \$16,650,000

**Agency Code**

**Project Code**

**Fund Code**

146

17645

0965

204

17650

0965

204

17652

0965

207

17654

0965

207

17655

0965

208

17657

0965

208

17658

0965

208	17662	0965
211	17664	0965
212	17665	0965
213	17627	0965
213	17667	0965
214	17668	0965
215	17671	0965
216	17674	0965
216	17675	0965
217	17619	0965
221	17678	0965
229	17681	0965
236	17682	0965
242	17690	0965
242	17691	0965
247	17695	0965
247	17697	0965
260	17705	0965
260	17711	0965
260	17750	0965
425	17626	0965
777	17727	0965
799	17728	0965
799	17729	0965".

**Explanation:**

(This amendment reverts to the general fund unused and unexpended planning funds for projects provided under Chapter 1, 2008 Acts of Assembly, Special Session I.)

Item C-0 #2c

**General Conditions**

General Conditions

Language

**Language:**

Page 547, after line 45, insert:

"T. On or before June 30, 2009, the State Comptroller shall revert to the general fund an amount estimated at \$15,000,000 from the following capital projects listed in the

table below by agency, fund code, and project code; provided, however, that the Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if the Director shall subsequently verify an unpaid obligation which cannot be paid as a result of this reversion.

Agency Code	Project Code	Fund Code
194	14260	0100
212	12733	0100
213	12724	0100
216	12718	0100
247	12712	0100
260	12611	0100
301	12253	0100
799	10887	0100".

**Explanation:**

(This amendment reverts maintenance reserve project balances. A companion amendment under Item 475.50 provides federal funds under the American Recovery and Reinvestment Act of 2009 for this purpose.)

Item C-5.05 #1c

**Administration**

Department Of General Services

Language

**Language:**

Page 548, line 16, strike "The total cost of" and insert:

"These funds, in addition to the remaining \$7,200,000 authorized for the Main Street Centre project in Chapter 1, 2008 Acts of the Assembly, Special Session I will bring the total cost of the project to \$23,025,000".

Page 548, strike line 17.

**Explanation:**

(This amendment makes a technical language change to the construction of the Main Street Centre Parking project in the introduced budget. The project is part of the acquisition and construction-related phases provided under Chapter 1, 2008 Acts of the Assembly, Special Session I.)

Item C-5.20 #1c

**Administration**

**FY 08-09**

**FY 09-10**

Department Of General Services

\$0

\$6,500,000 NGF

**Language:**

Page 548, after line 22, insert:

"C-5.20. New Construction: Construct Educational Wing of Virginia War Memorial (17177)

\$6,500,000

Fund Sources: Bond Proceeds

\$6,500,000".

"This item contains \$6.5 million in Virginia Public Building Authority bond authority, to repay the Treasury Loan authorized for this purpose in Chapter 847, 2008 Acts of Assembly, to support construction of an educational wing for the Virginia War Memorial and expand the Shrine of Memory to include Virginians killed in action in the War on Terror. These funds supplement \$2.0 million in private funds bringing the total cost of this project to \$8.5 million."

**Explanation:**

(This amendment provides Virginia Public Building Authority bond authority to supplement the \$2.0 million in private funds raised for this project. Chapter 847, 2008 Acts of Assembly authorized a Treasury Loan for this purpose. This amendment utilizes the bond authority to repay the Treasury loan and fulfill the Commonwealth's obligation to this project.)

Item C-5.20 #2c

**Administration**

Department Of General Services

Language

**Language:**

Page 548, after line 22, insert:

"C-5.20. 8th / 9th Street Office Building

The Director, Department of General Services, in consultation with the State Comptroller, the Auditor of Public Accounts, and the Department of Planning and Budget shall review all submissions under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq., Code of Virginia) pertaining to the Replacement / Renovation of the 8th / 9th Street Office Building Complex including alternative financing options. The Director, Department of General Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2009 on: 1) the potential for proceeding with any of the PPEA proposals under an operating lease concept or how the PPEA proposals could be modified in order to proceed under an operating lease concept, and 2) the cost of such PPEA proposal relative to the Commonwealth's standard capital program."

**Explanation:**

(This amendment requires the examination of submitted proposals under the Public-Private Education Facilities and Infrastructure Act of 2002 pertaining to the Replacement / Renovation of the 8th / 9th Street Office Building Complex and a report to the Chairmen of the House Appropriations and Senate Finance Committees.)

Item C-12 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Christopher Newport University	\$3,095,000	\$0 NGF

**Language:**

Page 549, line 15, strike "\$1,405,000" and insert "\$4,500,000".

**Explanation:**

(This amendment supplements the campus improvements project approved in Chapter 879 of the 2008 Session of the General Assembly.)

Item C-14.2 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Christopher Newport University	\$5,600,000	\$0 NGF

**Language:**

Page 549, line 28, strike "\$14,400,000" and insert "\$20,000,000".

**Explanation:**

(This amendment provides \$5.6 million in additional 9(d) nongeneral fund bond authority.)

Item C-14.40 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Christopher Newport University	\$0	\$4,000,000 NGF

**Language:**

Page 549, after line 37, insert:

"C-14.40. New Construction: Alumni \$4,000,000

House  
 Fund Sources: Bond Proceeds \$4,000,000".

**Explanation:**

(This amendment provides funding to construct an Alumni House. Private gifts will support the project financing.)

Item C-14.40 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Christopher Newport University	\$0	\$3,035,000 NGF

**Language:**

Page 549, after line 37, insert:

"C-14.40. Improvements: Special Collections Library Environmental Improvements	\$0	\$3,035,000
--	-----	-------------

Fund Sources: Bond Proceeds \$0". \$3,035,000".

"This amendment provides authorization for \$3,035,000 of revenue bonds to be issued by the Virginia College Building Authority. Christopher Newport University may elect to finance this project through the Christopher Newport University Real Estate Foundation in lieu of revenue bonds issued through the Virginia College Building Authority."

**Explanation:**

(This amendment provides funding to install environmental controls and improvements for the special collections section of the library. Financing will be accomplished thorough revenue bonds or financing through the Christopher Newport University Real Estate Foundation .)

Item C-14.40 #3c

**Education: Higher Education**  
 Christopher Newport University

Language

**Language:**

Page 549, after line 37, insert:

"C-14.40.

Christopher Newport University is authorized to sell the real property located at 812 Riverside Drive in Newport News, Virginia. One-hundred percent of the proceeds of

from the sale shall be used to acquire real property previously approved by the University's Board of Visitors in its Master Plan."

**Explanation:**

(This amendment is self-explanatory.)

Item C-14.40 #4c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Christopher Newport University	\$0	\$0 GF
	\$0	\$950,000 NGF

**Language:**

Page 549, after line 37, insert:

"C-14.40. Planning: New Luter School of Business

Fund Sources: Higher Education Operating \$0". \$950,000".

This appropriation provides funding to complete detailed planning for the New Luter School of Business project. Christopher Newport University is authorized to use up to \$950,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase. In addition, \$1,100,230 of federal funds from Item 467 B.5. shall be transferred to this project to complete detailed planning."

**Explanation:**

(This amendment provides funding to complete planning for the New Luter School of Business.)

Item C-19.15 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
The College Of William And Mary In Virginia	\$0	\$0 GF
	\$0	\$2,050,000 NGF

**Language:**

Page 550, after line 46, insert:

"C-19.15. Planning: Integrated Science Center, Phase 3

Fund Sources: Higher Education Operating \$2,050,000".

This appropriation provides funding to complete detailed planning for the Integrated Science Center, Phase 3 project. The College of William and Mary is authorized to use up to \$2,050,000 of nongeneral funds for which it shall be reimbursed when the

project is funded to move into the construction phase. In addition, \$2,200,230 of federal funds from Item 467 B.5. shall be transferred to this project to complete detailed planning."

**Explanation:**

(This amendment provides funding to complete planning for the Integrated Science Center, Phase 3.)

Item C-22 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
George Mason University	\$3,550,000	\$0 NGF

**Language:**

Page 551, line 28, strike "\$5,500,000" and insert "\$9,050,000".

**Explanation:**

(This amendment provides an additional \$3.6 million the first year in Virginia College Building Authority bonds to purchase equipment for the Arlington II building at George Mason University.)

Item C-36.70 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
George Mason University	\$0	\$8,000,000 NGF

**Language:**

Page 554, after line 42, insert:

"C-36.70. Improvements: Student Union Building II Renovation Supplement Fund Sources: Bond Proceeds	\$8,000,000  \$8,000,000".
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**Explanation:**

(This amendment provides 9(d) revenue bond authority to supplement the Student Union Building II Renovation.)

Item C-36.70 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
George Mason University	\$5,000,000	\$0 NGF



**Language:**

Page 554, after line 42, insert:

"C-36.70. Planning: Belmont Bay Science Center (17634) \$5,000,000

Fund Sources: Higher Education Operating \$5,000,000".

"Notwithstanding any other provision of law, the Director, Department of Planning and Budget, shall transfer \$6,000,000 of the amount appropriated to the Science Museum of Virginia, to plan the construction of the Belmont Bay Science Center to project 17634 (George Mason University, New Construction: Belmont Bay Science Center)."

**Explanation:**

(This amendment transfers funding to plan the construction of the Belmont Bay Science Center from the Science Museum of Virginia to George Mason University. In total, \$11,000,000 is available for this purpose.)

Item C-36.70 #3c

**Education: Higher Education**

**FY 08-09**

**FY 09-10**

George Mason University

\$0

\$2,500,000 NGF

**Language:**

Page 554, after line 42, insert:

"C-36.70. Improvements: Campus Security, Arlington Campus \$2,500,000

Fund Sources: Higher Education Operating \$2,500,000".

**Explanation:**

(This amendment provides \$2.5 million from the nongeneral fund the second year for campus security improvements at the Arlington Campus of George Mason University.)

Item C-39.05 #1c

**Education: Higher Education**

**FY 08-09**

**FY 09-10**

James Madison University

\$0

\$5,072,000 NGF

**Language:**

Page 555, line 18, strike "\$846,000" and insert "\$5,918,000".

**Explanation:**

(This amendment provides additional equipment allocation to reflect the amount of equipment originally removed from the Performing Arts Center/Music Hall project in the 2002 capital bond package.)

Item C-39.15 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
James Madison University	\$0	\$0 GF
	\$0	\$1,075,000 NGF

**Language:**

Page 555, after line 27, insert:

"C-39.15. Planning: Renovation and Addition to Duke Hall	\$0	\$1,075,000
--	-----	-------------

Fund Sources: Higher Education Operating	\$0".	\$1,075,000".
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This appropriation provides funding to complete detailed planning for the renovation and addition to the Duke Hall project. James Madison University is authorized to use up to \$1,075,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase. In addition, \$1,100,230 of federal funds from Item 467 B.5. shall be transferred to this project to complete detailed planning."

**Explanation:**

(This amendment provides funding to complete planning for the renovation and addition to Duke Hall.)

Item C-39.15 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
James Madison University	\$0	\$3,000,000 NGF

**Language:**

Page 555, after line 27, insert:

"C-39.15. Acquisition: Property Acquisition	\$0	\$3,000,000
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Fund Sources: Higher Education Operating	\$0".	\$3,000,000".
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Out of this appropriation, \$3,000,000 from nongeneral funds in the second year is provided to allow James Madison University to purchase property adjacent to the campus."

**Explanation:**

(This amendment provides nongeneral fund authority for property acquisition.)

Item C-44.20 #1c

**Education: Higher Education**

University Of Mary Washington

Language

**Language:**

Page 556, after line 38, insert:

"C-44.20.

1. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related facilities through alternative financing agreements including public-private partnerships.

2. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

3. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenues bonds issued by or for UMWF will provide construction and/or permanent financing.

4. The University of Mary Washington is further authorized to convey parcels of land to the UMWF, which will develop the land for the purpose of establishing residential housing for students and/or faculty and staff, office, retail, and other commercial land uses in accordance with the University's approved Master Plan."

**Explanation:**

(This amendment is self-explanatory.)

Item C-50.30 #1c

**Education: Higher Education**

Old Dominion University

Language

**Language:**

Page 558, after line 26, insert:

"C-50.30.

Old Dominion University is hereby granted authority to convey the current President's residence to the Old Dominion University Real Estate Foundation (ODUREF) in order to reconstruct the facility. Authority is also granted to construct this project with alternative financing options which may include an agreement with the ODUREF for the design, construction and financing of the project, and to enter into a capital lease or lease for the project that may qualify as a capital lease. Old Dominion University shall identify any component of the project that qualifies as a capital lease, and shall report such lease to the Department of Accounts and the Department of Planning and Budget. Any such capital lease shall be exempt from the requirements of § 4-3.03(b) 2 of this act."

**Explanation:**

(This amendment is self-explanatory.)

Item C-61.50 #1c

**Education: Higher Education**

University Of Virginia

**FY 08-09**

\$720,000

**FY 09-10**

\$3,000,000 NGF

**Language:**

Page 560, after line 26, insert:

"C-61.50. Improvements: New Cabell Hall Renovation

\$720,000

\$3,000,000

Fund Sources: Higher Education Operating

\$720,000".

\$3,000,000".

1. This appropriation provides funding to complete detailed planning for the New Cabell Hall Renovation project. The University of Virginia is authorized to use up to \$720,000 of nongeneral funds in the first year for which it shall be reimbursed when the project is funded to move into the construction phase.

2. Out of this appropriation, \$3,000,000 from nongeneral fund sources are authorized in the second year to complete the terrace connector between New Cabell Hall and the South Lawn project across Jefferson Avenue."

**Explanation:**

(This amendment provides funding to complete detailed planning to renovate New Cabell Hall and to complete the terrace connection between New Cabell Hall and the South Lawn project.)

	Item	C-61.50 #2c
<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
University Of Virginia	\$0	\$500,000 NGF

**Language:**

Page 560, after line 26, insert:

"C-61.50. Planning: Ruffner Hall Renovation

Fund Sources: Higher Education Operating \$500,000".

This appropriation provides funding to complete detailed planning for the Ruffner Hall Renovation project. The University of Virginia is authorized to use up to \$500,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase. In addition, \$1,100,230 of federal funds shall from Item 467 B.5. shall be transferred to this project to complete detailed planning."

**Explanation:**

(This amendment provides funding to complete planning for the renovation of Ruffner Hall.)

	Item	C-63.11 #1c
<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
University Of Virginia's College At Wise	\$0	\$250,000 GF

**Language:**

Page 561, after line 21, insert:

"C-63.11. Planning: Library \$250,000  
Fund Sources: General \$250,000".

**Explanation:**

(This amendment provides \$250,000 from the general fund the second year for preplanning of a new library at the University of Virginia at Wise.)

Item C-81.63 #1c

**Education: Higher Education**

Virginia Community College System

Language

**Language:**

Page 566, line 21, strike "8,750" and insert "7,559".

**Explanation:**

(This amendment corrects the square footage cited in language describing the transfer of properties between J. Sargeant Reynolds Community College and the City of Richmond.)

Item C-81.65 #2c

**Education: Higher Education**

Virginia Community College System

**FY 08-09**

\$0

**FY 09-10**

\$250,000 GF

**Language:**

Page 566, after line 36, insert:

"C-81.65. Planning: Workforce Training Center, Woodbridge Campus, Northern Virginia Community College \$250,000  
Fund Sources: General \$250,000".

**Explanation:**

(This amendment provides \$250,000 GF the second year for preplanning of a workforce training center at the Woodbridge Campus of Northern Virginia Community College.)

Item C-85.01 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Virginia Military Institute	\$0	\$205,000 NGF

**Language:**

Page 567, after line 14 insert:

"C-85.01. Planning: Renovate Post Hospital \$205,000  
Fund Sources: Higher Education Operating \$205,000".

**Explanation:**

(This amendment provides \$205,000 from the nongeneral fund the second year for detailed planning for renovation of the Post Hospital at Virginia Military Institute.)

Item C-91.10 #1c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Virginia Polytechnic Institute And State University	\$0	\$30,000,000 NGF

**Language:**

Page 568, after line 11, insert:

"C-91.10. New Construction: Parking Facility \$30,000,000  
Fund Sources: Bond Proceeds \$30,000,000".

**Explanation:**

(This amendment provides 9(c) revenue bond authority to construct a new parking facility.)

Item C-91.10 #2c

<b>Education: Higher Education</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Virginia Polytechnic Institute And State University	\$0 \$0	\$0 GF \$983,350 NGF

**Language:**

Page 568, after line 11, insert:

"C-91.10. Planning: Engineering Signature \$983,350

Building

Fund Sources: Higher Education Operating \$983,350".

This appropriation provides funding to complete detailed planning for the new Engineering Signature Building project. Virginia Tech is authorized to use up to \$983,350 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase. In addition, \$1,100,230 of federal funds from Item 467 B.5. shall be transferred to this project to complete detailed planning."

**Explanation:**

(This amendment provides funding to complete the planning for the new Engineering Signature Building.)

Item C-103.05 #1c

**Health And Human Resources**

Department Of Mental Health,  
Mental Retardation And Substance  
Abuse Services

Language

**Language:**

Page 570, strike lines 10 through 20 and insert:

"A. Notwithstanding any other provision of law, the following provisions shall be implemented:

1. The Department of General Services (DGS), with the cooperation and support of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), shall rebuild and resize the Southeastern Virginia Training Center to a 75-bed facility to serve profound and severely disabled clients;

2. The Director, Department of Planning and Budget, shall transfer \$23,768,000 of the amount appropriated in Chapter 1 and Chapter 2, 2008 Acts of Assembly, Special Session I for project 17458 (Repair/Replace Southeastern Virginia Training Center) for the purpose stated in paragraph A.1. of this item;

3. The Department of General Services, with the cooperation and support of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), shall build, acquire, or renovate 12 community-based Intermediate Care Facilities (ICF-MR) and 6 MR Homes in Health Planning Region V. Priority should be given to projects which can be completed on existing state-owned property within Health Planning Region V;



4. The Director, Department of Planning and Budget shall transfer \$8,438,160 of the amount appropriated in Chapter 1 and Chapter 2, 2008 Acts of Assembly, Special Session I for project 17457, (Repair/Replace Central Virginia Training Center) for the purpose stated in paragraph A.3. of this item.

5. Of the remaining appropriation in Chapter 1 and Chapter 2, 2008 Acts of Assembly, Special Session I for project 17457, (Repair/Replace Central Virginia Training Center), \$10,061,840 is designated for project 17733, (Construction of Community Housing for Central Virginia).

6. The Governor, the Director, Department of Planning and Budget and the Director, Department of General Services, shall suspend the regular capital outlay process and initiate an expedited, fast track capital outlay process to ensure the timely availability of both the rebuilt and resized Southeastern Virginia Training Center and the 12 community-based Intermediate Care Facilities (ICF-MR) and 6 Mental Retardation Homes in Health Planning Region V. The Governor's expedited process shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees for approval by July 15, 2009.

B. The Department of General Services (DGS), with the cooperation and support of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), shall examine the potential uses for the Southeastern Virginia Training Center property and report on such uses to Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009."

**Explanation:**

(This amendment renovates the Southeastern Virginia Training Center and the Central Virginia Training Center and begins the implementation of community-based group homes using debt authority previously approved in Chapter 1 and Chapter 2 of the 2008 Acts of Assembly, Special Session I.)

Item C-113.05 #1c

**Natural Resources**

Department Of Game And Inland  
Fisheries

**FY 08-09**

\$0

**FY 09-10**

(\$4,000,000) NGF

**Language:**

Page 572, line 45, strike "\$14,000,000" and insert "\$10,000,000".

Page 573, strike lines 2 through 14 and insert:

"A. The Department of Game and Inland Fisheries, with the concurrence of the Secretaries of Natural Resources and Administration, is hereby authorized to enter into a comprehensive agreement with a private entity, pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002, for the design and construction of a new structure to replace its existing headquarters. The principal cost of the agreement shall not exceed \$10.0 million. The Department is also authorized to sell or trade for value its existing headquarters, and associated buildings and grounds located at 4000, 4010 and 4016 West Broad Street, Richmond, Virginia.

B. Notwithstanding the provisions of Item 444 of Chapter 847, 2007 Acts of Assembly, the Commissioner of the Virginia Department of Transportation shall immediately transfer two parcels of property located at and adjacent to 10267 Telegraph Road, Ashland, Virginia, known as the "Atlee Maintenance Lot" and "OFF RT 623 ADJ HWY PROP", Hanover County PID #7787-34-5666 and PID #7787-34-5926, respectively, totaling approximately 6.03 acres to the Department of Game and Inland Fisheries for the location of its headquarters. Prior to this transfer, the Department of Transportation shall continue to address any environmental remediation necessary to reuse the property. The Department of Game and Inland Fisheries shall modify its Request for Proposals dated August 25, 2008 to accommodate this specific location. In addition, the project size shall comply with the Department of General Services' space guidelines.

C. It is the intent of the General Assembly that the reuse of this property by the Department of Game and Inland Fisheries involves transportation related activities, including but not limited to (i) the titling, registration and numbering of watercraft pursuant to state and federal laws and regulations, and (ii) the enforcement of state and federal boating safety laws and regulations.

D. In the event that the Department of Game and Inland Fisheries determines that the environmental remediation efforts of the Department of Transportation described in paragraph B of this item do not allow for the reuse of the property as the new Department of Game and Inland Fisheries headquarters, the Department of Game and Inland Fisheries, in consultation with the Department of General Services, shall examine other existing state-owned property including property owned by the Department of Game and Inland Fisheries or the Department of Conservation and Recreation. The Department of Game and Inland Fisheries, prior to entering into any contract or agreement and no later than October 1, 2009, shall report to the Chairmen of the House Appropriations and Senate Finance Committees, on the project options under consideration to include project cost, project size and project location."

**Explanation:**

(This amendment revises the proposed replacement of the Department of Game and Inland Fisheries headquarters to ensure that the project complies with current space standards and utilizes existing state property for a location.)

Item C-147.01 #1c

<b>Public Safety</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Department Of State Police	\$1,875,000	\$0 NGF

**Language:**

Page 578, after line 36 insert:

"C-147.01. New Construction: Target Practice Range	\$1,875,000
Fund Sources: Special	\$400,000
Federal Trust	\$1,290,000
Trust and Agency	\$185,000".

"The Department of Corrections shall transfer 18 acres of land located adjacent to the Powhatan Correctional Center to the Department of State Police for construction of this project."

**Explanation:**

(This amendment provides \$1.9 million from the nongeneral fund for construction of a target practice range that will be used as a joint training facility by the Department of State Police, the Federal Bureau of Investigation - Richmond Field Division (FBI) and the Virginia Department of Game and Inland Fisheries (DGIF). The FBI is contributing \$1.3 million, DGIF is contributing \$0.4 million from their Special Funds, and State Police will contribute \$0.3 million from Federal Asset Forfeiture Funds.)

Item C-176 #1c

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
Central Capital Outlay	\$0	\$2,587,000 NGF

**Language:**

- Page 584, line 13, strike "\$75,000,000" and insert "\$77,587,000".
- Page 584, line 22, strike "2,785,000" and insert "5,000,000".
- Page 584, line 50, strike "3,000" and insert "75,000".
- Page 585, line 3, strike "643,000" and insert "943,000".

Page 585, line 12, strike the second "75,000,000" and insert "77,587,000".

Page 586, after line 6, insert:

"H. 1. Out of the amount allocated for the Department of General Services (14260), up to \$215,000 the second year is designated to completely secure the DeJarnette Buildings in Staunton, Virginia.

2. The Department of General Services is authorized to use these funds from project 14260 in the second year for necessary repairs and improvements in and around Capitol Square for items such as repair and conservation of the historic fence, repair and improvements to the grounds, upkeep and ongoing repairs to the exterior of the Capitol and Bell Tower and conservation and maintenance of monuments and statues. The use of and allocation of these funds shall be as deemed appropriate by the Director, Department of General Services.

I. Out of the amount allocated for the Department of Conservation and Recreation (16646), \$300,000 the second year is designated for electrical system and utility line upgrades at Breaks Interstate Park."

**Explanation:**

(This amendment provides an increase in maintenance reserve allocation for the Library of Virginia, the Department of Conservation and Recreation for electrical upgrades and for the Department of General Services for projects at the seat of government and to shutter the DeJarnette facility for safety and security.)

Item C-177.2 #1c

**Central Appropriations**

Central Capital Outlay

**FY 08-09**

(\$4,450,000)

**FY 09-10**

\$0 GF

**Language:**

Page 587, line 44, strike "\$5,000,000" and insert "\$550,000".

**Explanation:**

(This amendment reverts unused funds provided for the preplanning of capital projects.)

Item C-178.10 #1c

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 589, after line 37, insert:

"C-178.10. Planning:

"A.1. Capital projects authorized for detailed planning in § 1 of the third enactment clause of Chapter 1 and Chapter 2 (2008 Special Session I) may proceed from preliminary working drawings to detailed working drawings.

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

3. Nongeneral funds expended for the purposes of paragraphs A.1 and A.2 of this Item may be reimbursed from such funds as may be appropriated for the construction of the project for which planning is undertaken, upon project completion."

**Explanation:**

(This amendment allows projects authorized for planning in the 2008 capital bond bill to continue planning with nongeneral funds.)

Item C-180 #1c

**Central Appropriations**

9(D) Revenue Bonds

Language

**Language:**

Page 590, line 47, strike "\$518,019,000" and insert "\$516,065,000".

Page 591, line 55, strike "\$6,879,000" and insert "\$4,925,000".

Page 591, line 63, strike "\$518,019,000" and insert "\$516,065,000".

**Explanation:**

(This amendment corrects the amount listed in the 9(d) revenue bond table for the capital project to Construct Chesapeake Academic Building, Site Infrastructure, at Tidewater Community College.)

Item C-181.20 #1c

**Central Appropriations**

9(D) Revenue Bonds

Language

**Language:**

Page 597, after line 8, insert:

"C-181.20.

" A.1. The Director, Department of Planning and Budget is authorized to transfer up to \$1,500,000 from the following capital projects listed in the table below by agency and project code:

<b>Agency Code</b>	<b>Project Code</b>
123	10893
123	15742
123	17245
127	15989
146	13634
156	10886
156	17250
156	17504
161	15994
194	14260
194	17177
194	17232
199	16646
199	16893
203	10885
218	14082
218	16454
301	12253
402	16498
409	13096
411	13986
411	16138
411	17092
411	17233
417	12382
417	15407
425	13605
702	13942
720	10880
720	16725
720	16975
720	17457
720	17458
777	15081
777	15203

777	15204
777	16541
777	17254
777	17255
777	17257
778	16320
778	17173
778	17459
799	10887
799	15665
799	16106
799	16438
799	17172
912	17073
912	17241
948	16499
948	16864
949	15776
949	16170

2. The Director, Department of Planning and Budget, shall restore from proceeds of unused bond authority from Agency Code 778, Project Code 17459 an amount equivalent to the general fund appropriation reverted from the capital projects in paragraph A.1.

B. 1. The Director, Department of Planning and Budget is authorized to transfer up to \$4,000,000 from the following capital projects listed in the table below by agency and project code:

<b>Agency Code</b>	<b>Project Code</b>
123	10893
123	15742
123	17245
127	15989
146	13634
156	10886
156	17250
156	17504
161	15994
194	14260

194	17177
194	17232
199	16646
199	16893
203	10885
218	14082
218	16454
301	12253
402	16498
409	13096
411	13986
411	16138
411	17092
411	17233
417	12382
417	15407
425	13605
702	13942
720	10880
720	16725
720	16975
720	17457
720	17458
777	15081
777	15203
777	15204
777	16541
777	17254
777	17255
777	17257
778	16320
778	17173
778	17459
799	10887
799	15665
799	16106
799	16438
799	17172
912	17073



912	17241
948	16499
948	16864
949	15776
949	16170

2. The Director, Department of Planning and Budget, shall transfer from Item 475.50 B.5. an amount equivalent to the general fund appropriation reverted from the capital projects in paragraph B.1."

**Explanation:**

(This amendment transfers unused but previously authorized bond proceeds from the Northern Virginia Forensic Lab project (778-17459) to replace up to \$1.5 million in general fund for the projects listed. In addition, the amendment authorizes the use of \$4.0 million of federal funds to complete the projects as specified.)

Item C-182 #1c

**Central Appropriations**

9(D) Revenue Bonds

Language

**Language:**

Page 597, line 18, strike "\$194,719,373" and insert "\$199,786,373".

Page 599, line 8, strike "\$194,719,373" and insert "\$199,786,373".

**Explanation:**

(This amendment corrects a typographical error in the introduced budget bill.)

Item 3-1.01 #1c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 609, line 47, strike "\$63,525,964" and insert "\$63,585,964".

Page 611, line 4, strike "\$0" and insert "\$60,000".

**Explanation:**

(This amendment accounts for the transfer of bedding fee revenues from the Department of Health's Bedding and Upholstery Sanitation Fund to the general fund in fiscal year 2010. The strategy to transfer bedding fee revenues to the general fund was erroneously reflected as an appropriation reduction instead of a cash transfer. A

companion amendment to Item 301.05 restores the equivalent general fund appropriation amount to the Department of Health.)

Item 3-1.01 #2c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 612, after line 26, insert:

"GG. The State Comptroller shall transfer on or before June 30, 2010, \$7,309,000 from the Tobacco Settlement Fund to the general fund."

**Explanation:**

(This amendment transfers \$7.3 million in fiscal year 2010 from the Virginia Tobacco Settlement Fund (VTSF) to the general fund.)

Item 3-1.01 #3c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 611, after line 26, insert:

"Revert nongeneral fund amounts      0280      \$0      \$1,000,000".

**Explanation:**

(This amendment reverts \$1.0 million in nongeneral fund amounts from indirect cost recoveries in the Virginia Department of Health to the general fund in the second year.)

Item 3-1.01 #4c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 610, line 1, after "0610" strike "\$0" and insert "\$1,700,000".

**Explanation:**

(This amendment reverts \$1.7 million in nongeneral fund balances from the Department of General Services Office of Fleet Vehicle Management.)

Item 3-1.01 #5c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 611, after line 26, insert:

"Capture excess nongeneral fund balances 0200 \$616,000 0".

**Explanation:**

(This amendment reverts \$616,000 in nongeneral fund balances from special revenue funds in the Virginia Department of Health to the general fund in the first year.)

Item 3-1.01 #6c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 612, after line 26, insert:

"GG. On or before June 30, 2010, the State Comptroller shall transfer to the general fund an amount equal to \$5,200,000 from the Water Quality Improvement Fund Reserve Fund established pursuant to Item 360 of this act and held by the Department of Conservation and Recreation."

**Explanation:**

(This amendment transfers \$5.2 million from the Water Quality Improvement Fund Reserve Fund amounts held by the Department of Conservation and Recreation. This sum, the total amount allocated to the Department from the Reserve Fund was appropriated for the implementation of agricultural best management practices. Item 475.50 of this act authorizes the Governor to use \$5.2 million from the American Reinvestment and Recovery Act of 2009 for implementation of agricultural best management practices.)

Item 3-1.01 #7c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 608, following line 26, insert:

"GG. The State Comptroller shall transfer \$500,000 to the general fund on or before June 30, 2009, from balances of the Virginia Alcohol Safety Action Program."

**Explanation:**

(This amendment transfers \$500,000 the first year to the general fund from balances of the Virginia Alcohol Safety Action Program.)

Item 3-1.04 #1c

**Transfers**

Reversion of IDA Funding

Language

**Language:**

Page 612, after line 53, insert:

"In accordance with the provisions of Item 119, paragraph O., Chapter 847, 2007 Acts of Assembly, and as reflected in the agreement between the Virginia Economic Development Partnership and the Industrial Development Authority (IDA) of Pulaski County dated February 25, 2008, the Pulaski IDA is hereby instructed to return to the Virginia Economic Development Partnership the \$1,000,000 provided to support the Volvo Center for Excellence. These funds shall revert to the general fund no later than June 30, 2009."

**Explanation:**

(This amendment directs the Pulaski Industrial Development Authority to return the \$1.0 million provided to it by the Virginia Economic Development Partnership to support the construction of the New River Valley Center of Excellence. This appropriation was contingent upon Volvo Trucks meeting certain performance requirements and conveying the land to the Pulaski IDA. As this has not occurred, the funds are to revert to the general fund.)

Item 3-5.05 #1c

## **Adjustments and Modifications to Tax Collections**

Neighborhood Assistance Program and Schools for Children with  
Disabilities Fund Tax Credit

Language

### **Language:**

Page 617, line 19, after "ASSISTANCE", strike the remainder of the line, and insert: "ACT TAX CREDIT".

Page 617, strike line 20.

Page 617, strike line 21 through line 31.

Page 617, line 32, strike "In addition, the" and insert "A. The".

Page 617, line 33, strike "63.2-2006" and insert "58.1-439.24".

Page 617, line 35, after "Act", strike the rest of the line.

Page 617, line 36, strike "Students with Disabilities fund)".

Page 617, line 36, strike "\$12 million" and insert "\$11.9 million".

Page 617, line 37, strike "the provisions of paragraph A" and insert:  
"any other provision of law".

Page 617, line 40, strike "and does not exceed the annual caps established in  
paragraph A."

Page 617, line 41, strike "63.2-2000" and insert "58.1-439.18".

Page 617, line 43, strike "63.2-2000" and insert "58.1-439.18".

Page 617, line 45, strike "63.2-2000" and insert "58.1-439.18".

### **Explanation:**

(This amendment conforms provisions related to the Neighborhood Assistance Tax Credit set forth in the appropriation act to comport with the statutory provisions contained within Senate Bill 1325, as it passed the General Assembly.)

Item 3-5.07 #1c

## **Adjustments and Modifications to Tax Collections**

Renewable Energy Income Tax Credits

Language

### **Language:**

Page 618, strike lines 1 through 48.

Page 619, strike lines 1 through 4.

### **Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.08 #1c

**Adjustments and Modifications to Tax Collections**

Captive Real Estate Investment Trust

Language

**Language:**

Page 619, strike lines 5 through 44.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.09 #1c

**Adjustments and Modifications to Tax Collections**

Energy Efficient Systems Sales and Use Tax Exemption

Language

**Language:**

Page 620, strike lines 1 through 20.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.10 #1c

**Adjustments and Modifications to Tax Collections**

Conformity to Internal Revenue Code

Language

**Language:**

Page 620, strike lines 21 through 26.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.11 #1c

**Adjustments and Modifications to Tax Collections**

Sales and Use Tax Dealer Discount

Language

**Language:**

Page 620, strike lines 27 through 29.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.12 #1c

**Adjustments and Modifications to Tax Collections**

Land Preservation Income Tax Credit

Language

**Language:**

Page 620, strike lines 30 through 36.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.13 #1c

**Adjustments and Modifications to Tax Collections**

Disposition of Excess Fees Collected by Clerks of the Circuit Courts

Language

**Language:**

Page 620, line 40, after "17.1-283." insert:

"In making the calculations of excess fees required by this paragraph the Compensation Board shall exclude courts in the thirty-first judicial circuit, but pay them in accordance with § 17.1-285."

**Explanation:**

(This amendment exempts the thirty-first judicial district from changes in the distribution of excess fees.)

Item 3-5.14 #1c

**Adjustments and Modifications to Tax Collections**

Cigarette and Tobacco Products Taxes

Language

**Language:**

Page 620, strike lines 41 through 51.

Page 621, strike lines 1 through 4.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.15 #1c

**Adjustments and Modifications to Tax Collections**

Tire Recycling Fee Discount

Language

**Language:**

Page 621, strike lines 5 through 7.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.16 #1c

**Adjustments and Modifications to Tax Collections**

Communications Sales and Use Tax Dealer Discount

Language

**Language:**

Page 621, strike lines 8 through 10.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.17 #1c

**Adjustments and Modifications to Tax Collections**

Tax for Enhanced 911 Services Discount

Language

**Language:**



Page 621, strike lines 11 through 13.

**Explanation:**

(This amendment eliminates language in the introduced budget that has been addressed by a separate bill.)

Item 3-5.18 #1c

**Adjustments and Modifications to Tax Collections**

Fuels Tax Discounts

Language

**Language:**

Page 621, strike line 14 through line 17.

**Explanation:**

(This amendment removes language reflecting a legislative proposal to remove all dealer discounts for motor fuels tax collection that was not adopted by the 2009 Session of the General Assembly but had been assumed in the Governor's amendments to the budget as introduced.)

Item 4-0.01 #1c

**General Provisions**

Operating Policies

Language

**Language:**

Page 622, after line 9, insert:

"d. Public higher education institutions are not subject to the provisions of § 2.2-4800 or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable."

**Explanation:**

(This amendment allows public colleges and universities to enroll students receiving benefits under the G.I. Bill and not be subject to the delinquent account regulations of the Department of Accounts for those students. This will permit these students to advance register for classes prior to receipt of G.I. Bill benefits.)

**Appropriations**

Appropriation Reductions to Address Revenue Shortfall

Language

**Language:**

Page 628, strike lines 48 through 51.

Page 629, strike line 1 and insert:

"A. State agencies and institutions with appropriation reductions contained in Part I of this act within the item "Executive Management, Savings from Management Actions" are to be guided by the reductions strategies outlined in this section. If modifications to the reductions outlined in this section are necessary, such modifications will be reported to the Chairmen of the House Appropriations Committee and Senate Finance Committee pursuant to § 4-1.02.d.5.a) of this act."

**Explanation:**

(This amendment provides that state agencies and institutions with appropriations reduction should utilize this section of the budget to guide the implementation of those reductions.)

**Special Conditions and Restrictions on Expenditures**

Third Party Transactions

Language

**Language:**

Page 666, line 18, strike "1." and insert "1.a."

Page 666, after line 24, insert:

"b. For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency."

**Explanation:**

(This amendment clarifies the intent of § 4-5.02 of the General Provisions

concerning the applicability of the requirement that all attorneys employed by any state agency are to be appointed by the Attorney General.)

Item 4-8.01 #1c

## Reporting Requirements

Governor

Language

### Language:

Page 684, after line 48, insert:

"3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education, Secretary of Finance, and the Director, Department of Planning and Budget, shall identify a list of reporting requirements that the Governor may consider suspending.

b) An effort should be made to limit reporting to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia. The findings from this review shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2009.

c) The Governor is authorized to suspend reporting requirements which in his judgment do not meet these criteria, provided however that prior to July 15, 2009, he reports to the Speaker of the House of Delegates, and the Chairman of the House Appropriations Committee, and the Chairmen of the Senate Committees on Finance and Rules those reporting requirements he intends to suspend.

d) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended:

<b>Agency</b>	<b>Report Title of Descriptor</b>	<b>Source</b>
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles	Agency Directive -- Executive Order 89 (2005)

## Report

State Employee Worker's Compensation Program	Work-related injuries and illnesses report -- goals, strategies, and results	Agency Directive -- Executive Order 94 (2006)
Department of Planning and Budget	Organizational Memberships over \$5,000	Appropriations Act
Secretary of Commerce and Trade	and Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)
State Council of Higher Education for Virginia	Generalist Initiative	Item 145 F1. UVA, VCU and EVMS only. Specific performance measures deleted in 2006-08 Appropriations Act. Biennial reporting still required."

### **Explanation:**

(This amendment continues efforts to streamline reporting requirements under higher education restructuring.)

Item 4-9.02 #1c

### **Higher Education Restructuring**

Assessment of Institutional Performance

Language

### **Language:**

Page 691, after line 14 insert:

"F. The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data."

### **Explanation:**

(This amendment refers to the submittal of uniform expenditure data for Level III institutions of higher education.)

Item 5-0.00 #1c

Additional Enactments

Language

**Language:**

Page 692, after line 1, insert:

**"4. That the Code of Virginia is amended by adding a section numbered 58.1-615.1 as follows:**

§ 58.1-615.1. Returns by certain dealers.

A. This section shall apply to any dealer as defined by § 58.1-612, or any direct payment permit holder pursuant to § 58.1-624, with taxable sales or purchases of \$12,000,000 or greater for the 12-month period beginning January 1 and ending December 31 of the immediately preceding calendar year, notwithstanding the provisions of §§ 58.1-615 and 58.1-616. Such dealer or direct payment permit holder shall be required to make a payment in each month for the 12-month period that begins in the month of June that immediately follows such calendar year and that ends in the month of May that immediately follows such month of June. The payment shall be made on or before the 20th day of the respective month.

Beginning with the month of June, the dealer or direct payment permit holder shall transmit to the Tax Commissioner a return showing the gross sales, gross proceeds, or cost price, as the case may be, arising from all transactions taxable under this chapter (i) for the first fifteen days of the month, on or before the 20th of the same month, and (ii) for the remaining days in the month, on or before the 20th day of the following month. The dealer or direct payment permit holder shall remit the tax due pursuant to this chapter when transmitting such return.

B. The Tax Commissioner shall develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid at the minimum amount required.

E. The provisions of this section shall become effective on May 31, 2010.

**5. That payments made pursuant to § 58.1-615.1 of the Code of Virginia shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605 and 58.1-606 of the Code of Virginia.**

**6. That the State Comptroller shall make no distribution of the taxes collected pursuant to § 58.1-615.1 of the Code of Virginia in accordance with §§ 58.1-605, 58.1-606, 58.1-638, and 58.1-638.1 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to § 58.1-615.1. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month ."**

Page 692, line 2, strike "4" and insert "7".

Page 692, line 3, strike "and third" and insert ", third, fourth, fifth and sixth".

**Explanation:**

(This amendment establishes a revised schedule, beginning June 20, 2010, for remittance to the Commonwealth of sales and use taxes collected by dealers with annual taxable sales of \$12.0 million or greater in the previous calendar year. The amendment further provides direction to the Tax Commissioner and the State Comptroller for the disposition of revenue related to this action.)