

Chief Patron: Wampler

Item 0 #1s

Revenues

Revenues

Language

Language:

Page 2, line 5, strike "\$15,622,022,377" and "\$30,637,298,527" and insert "\$15,171,422,377" and "\$30,186,698,521"

Explanation:

(This amendment reduces the FY 2010 general fund revenue estimate by \$450.6 million to reflect flat economic-based revenue growth in the second year of the biennium rather than the 3.0 percent economic growth rate assumed in the introduced budget. Other affected revenue totals will be adjusted in the enrolling process to reflect this change.)

Chief Patron: Deeds

Item 0 #4s

Revenues

Revenues

Language

Language:

Page 2, following line 11, insert"

"The amount of \$15,622,022,377 shown above on line 5 as the Official Revenue Estimate for the second year of the biennium shall be reduced by the estimated revenue impact of SB 924 of the 2009 Session, contingent on passage of said legislation. All other relevant totals shall be corrected in the enrolling process."

Explanation:

(This amendment directs that the revenue impact of SB 924 that provides a sales tax refund for purchase of certain machinery and equipment be reflected in the general fund revenue estimate (impact statement has not been issued), should that legislation be enacted.)

Chief Patron: Deeds

Item 0 #5s

Revenues

Revenues

Language

Language:

Page 2, following line 11, insert"

"The amount of \$15,622,022,377 shown above on line 5 as the Official Revenue Estimate for the second year of the biennium shall be reduced by the estimated revenue impact of SB 944 of the 2009 Session, contingent on passage of said legislation. All other relevant totals shall be corrected in the enrolling process."

Explanation:

(This amendment directs that the revenue impact of SB 944 be reflected in the general fund revenue estimate (impact statement has not been issued), should that legislation be enacted. SB 944 provides a sales tax exemption for purchase of fabricated animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated.)

Chief Patron: Deeds

Item 0 #6s

Revenues

Revenues

Language

Language:

Page 2, line 5, strike "\$15,622,022,377" and "\$30,637,298,527" and insert "\$15,621,022,377" and "\$30,636,298,527"

Explanation:

(This amendment reduces the FY 2010 general fund revenue estimate by \$1.0 million to reflect the estimated revenue impact of SB 990 that provides a tax credit for "incremental investments" in the purchase or lease of certain equipment. The maximum annual amount of the tax credit in a calendar year would be \$2.0 million, but FY 2010 reflects a smaller amount since all companies do not operate on a January to December taxable year).

Chief Patron: Wampler

Item 0 #2s

Revenues

Revenues

Language

Language:

Page 2, line 5, strike "\$15,622,022,377" and "\$30,637,298,527" and insert "\$14,409,022,377" and "\$29,424,298,527")

Explanation:

(This amendment reduces the FY 2010 general fund revenue estimate by \$1.2 billion to reflect the Alternative Forecast (rather than Standard), based on Global Insight's November more pessimistic economic outlook which assumes an eight-quarter recession rather than a four-quarter recession. Other affected revenue totals will be adjusted in the enrolling process to reflect this change.)

Chief Patron: Stuart

Item 0 #3s

Revenues

Revenues

Language

Language:

Page 2, line 5, strike "\$15,622,022,377" and "\$30,637,298,527" and insert "\$15,680,308,377" and "\$30,695,584,527".

Explanation:

(This amendment captures the general fund revenue impact of SB 916, estimated at \$58,286,000 the second year, which increases court fees in civil cases. This amendment is contingent upon final passage of SB 916.)

Chief Patron: Petersen

Item 0 #7s

Revenues

Revenues

Language

Language:

Page 2, following line 11, insert"

"The amount of \$15,622,022,377 shown above on line 5 as the Official Revenue Estimate for the second year of the biennium shall be reduced by the estimated revenue impact of SB 1132 of the 2009 Session, contingent on passage of said legislation. All other relevant totals shall be corrected in the enrolling process."

Explanation:

(This amendment directs that the revenue impact of SB 1132 be reflected in the general fund revenue estimate (impact statement has not been issued), should that legislation be enacted. SB 1132 provides a sales tax exemption for purchase of fabricated animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated.)

Revenues

Revenues

Language

Language:

Page 2, following line 11, insert"

"The amount of \$15,622,022,377 shown above on line 5 as the Official Revenue Estimate for the second year of the biennium shall be reduced by the estimated revenue impact of SB 1133 of the 2009 Session, contingent on passage of said legislation. All other relevant totals shall be corrected in the enrolling process."

Explanation:

(This amendment directs that the revenue impact of SB 1133 be reflected in the general fund revenue estimate (impact statement has not been issued), should that legislation be enacted. SB 1133 re-institutes the estate tax for deaths occurring on or after July 1, 2009, for gross estates over \$5.0 million, unless the majority of the assets of the total estate are an interest in a closely-held business or working farm. Estate tax revenues would be dedicated to services for the elderly to include community-based programs of area agencies on aging, increased Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and funding the cost of existing or additional Medicaid waivers for certain health care services and delivery systems for senior citizens.)

Chief Patron: McEachin

Item 0 #9s

Revenues

Revenues

Language

Language:

Page 2, line 1, strike "\$30,637,298,521" and insert "\$30,636,798,521".

Explanation:

(This amendment reduces the FY 2010 general fund revenue estimate by \$500,000 to reflect the estimated revenue impact of SB 1019 that provides for an increase in the Neighborhood Assistance tax credit.)

Chief Patron: Miller J.C.

Item 1 #1s

Legislative Department	FY 08-09	FY 09-10	
General Assembly Of Virginia	\$0	\$10,400	GF

Language:

Page 4, line 5, strike "\$32,545,351" and insert "\$32,555,751".

Explanation:

(This amendment provides \$10,400 the second year from the general fund to support the meetings and activities of the Joint Subcommittee on Early Reading Proficiency and Comprehension. This amendment is contingent upon final passage of Senate Joint Resolution 313 by the 2009 General Assembly.)

Chief Patron: Deeds

Item 1 #2s

Legislative Department	FY 08-09	FY 09-10	
General Assembly Of Virginia	\$0	\$10,000	GF

Language:

Page 4, line 5, strike "\$32,545,351" and insert "\$32,555,351".

Explanation:

(This amendment provides \$10,000 the second year from the general fund to support the meetings and activities of the Joint Subcommittee to Study the Conduct of Certain Public Officials. This amendment is contingent upon final passage of Senate Joint Resolution 341 by the 2009 General Assembly.)

Chief Patron: Herring

Item 1 #3s

Legislative Department

FY 08-09

FY 09-10

General Assembly Of Virginia

\$0

\$8,000 GF

Language:

Page 4, line 5, strike "\$32,545,351" and insert "\$32,553,351".

Explanation:

(This amendment provides \$8,000 the second year from the general fund to support the meetings and activities of the Joint Subcommittee to Study Postelection Audits of Voting Equipment. This amendment is contingent upon final passage of Senate Joint Resolution 328 by the 2009 General Assembly.)

Chief Patron: Howell

Item 6 #1s

Legislative Department	FY 08-09	FY 09-10	
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 \$180,000 the second year from the general fund to acquire hardware, software and training to be used by the General Assembly for the 2011 redistricting, including 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.)

Chief Patron: Barker

Item 11 #1s

Legislative Department

Joint Commission On Health Care

Language

Language:

Page 13, after line 15, insert:

"The Joint Commission on Health Care shall review and report on the Commonwealth's poison control system in 2009, including services provided, costs of and funding for the system, and the number of poison control centers that can best meet the needs of Virginians. No later than December 15, 2009, the Joint Commission on Health Care shall report its finding and any recommendations. The Department of Health shall provide information to assist the Joint Commission on Health Care with this study."

Explanation:

(This language amendment requires the Joint Commission on Health Care to review and report on the Commonwealth's poison control system by December 15, 2009.)

Chief Patron: Whipple

Item 28.20 #1s

Legislative Department	FY 08-09	FY 09-10	
Commission On Energy and Environment	\$0	\$20,975	GF

Language:

Page 18, following line 20, insert:

Virginia Commission on Energy and Environment

"28.20. Resource Management Research,

\$0

\$20,975

Planning and Coordination (50700)

Fund Sources: General

\$0

\$20,975."

Explanation:

(This amendment provides \$20,975 the second year from the general fund to support meetings and activities of the Virginia Commission on Energy and Environment, which was established by the 2008 General Assembly pursuant to Section 30-301, Code of Virginia.)

Chief Patron: Miller J.C.

Item 28.20 #2s

Legislative Department	FY 08-09	FY 09-10	
Virginia Redistricting Commission	\$0	\$10,400	GF

Language:

Page 18, following line 20, insert:

Virginia Redistricting Commission

"28.20. Governmental Affairs Services \$0 \$10,400

(70100)

Fund Sources: General \$0 \$10,400."

Explanation:

(This amendment provides \$10,400 the second year from the general fund to support meetings and activities of the Virginia Redistricting Commission. This amendment is contingent upon final passage of Senate Joint Resolution 312 by the 2009 General Assembly.)

Chief Patron: Miller Y.B.

Item 33 #1s

Judicial Department

Supreme Court

Language

Language:

Page 21, line 39, insert:

"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 1:7 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 Section 17.1-132, to be used to support the costs of statewide electronic filing systems."

Explanation:

(This amendment authorizes the Supreme Court of Virginia to establish an electronic access fee to generate additional funds for court technology.)

Chief Patron: Edwards

Item 38 #1s

Judicial Department	FY 08-09	FY 09-10	
Supreme Court	\$0	\$167,500	GF

Language:

Page 22, line 14, strike "\$29,337,566" and insert "\$29,505,066".

Explanation:

(This amendment provides \$167,500 the second year from the general fund to establish between two and five mental health courts in Virginia for nonviolent offenders with serious mental illnesses. This amendment is contingent upon final passage of Senate Bill 854 of the 2009 General Assembly, which is identical to Senate Bill 18 of the 2009 General Assembly.)

Chief Patron: Reynolds

Item 40 #1s

Judicial Department

Circuit Courts

Language

Language:

Page 25, following line 52, insert:

"4. Notwithstanding the provisions of Section 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 at a level higher than that which has been authorized in the Code of Virginia.)

Chief Patron: Cuccinelli

Item 67 #2s

Administration

Secretary Of Administration

FY 08-09

(\$3,457,686)

FY 09-10

(\$3,457,686) GF

Language:

Page 46, line 9, strike "\$3,457,686" and insert "\$0".

Page 46, line 9, strike "\$3,457,686" and insert "\$0".

Explanation:

(This amendment eliminates funding of \$3.5 million GF the first year and \$3.5 million GF the second year for public television and radio.)

Chief Patron: Hurt

Item 69 #1s

Administration	FY 08-09	FY 09-10	
Compensation Board	\$0	\$4,640,000	GF

Language:

Page 48, line 4, strike "\$399,264,794" and insert "\$403,904,794".

Explanation:

(This amendment provides \$4,640,000 the second year from the general fund for the operating expenses of a jail annex for Pittsylvania County. The jail annex would be operated in the former Chatham Diversion Center of the Department of Corrections, which was closed as part of the DOC budget reductions of October 2008. A companion amendment to Item 390 transfers the diversion center property to Pittsylvania County, pursuant to Senate Bill 1312, as introduced.)

Chief Patron: Reynolds

Item 69 #2s

Administration

Compensation Board

Language

Language:

Page 51, line 52, following "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, following "accreditation" insert "by March 1."

Explanation:

(This amendment makes a technical correction in the qualification date for participation in the Sheriffs' Career Development Program.)

Chief Patron: Stolle

Item 69 #3s

Administration

Compensation Board

FY 08-09

\$7,035,384

FY 09-10

\$30,802,726 GF

Language:

Page 48, line 4, strike "\$412,120,579" and insert "\$419,155,963".

Page 48, line 4, strike "\$399,264,794" and insert "\$430,067,520".

Explanation:

(This amendment restores \$7.0 million GF the first year and \$30.8 million GF the second year to Sheriffs.)

Chief Patron: Stolle

Item 69 #4s

Administration

Compensation Board

Language

Language:

Page 51, line 52, following "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, following "accreditation" insert "by March 1."

Explanation:

(This amendment makes a technical correction in the qualification date for participation in the Sheriffs' Career Development Program.)

Chief Patron: Norment

Item 69 #5s

Administration

Compensation Board

Language

Language:

Page 64, following line 46, insert:

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

Explanation:

(This amendment authorizes the Compensation Board to allocate up to \$100,000 NGF the first year and \$200,000 NGF the second year from the Technology Trust Fund for operating expenses in the Newport News Circuit Court Clerks' office.)

Chief Patron: Ruff

Item 69 #6s

Administration	FY 08-09	FY 09-10	
Compensation Board	\$0	\$291,195	GF

Language:

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

Explanation:

(This amendment provides \$291,195 GF the second year to support 16.00 staff at Blue Ridge Regional jail, which is scheduled to open new bed capacity on November 1, 2009.)

Chief Patron: Stolle

Item 70 #1s

Administration

Compensation Board

Language

Language:

Page 57, following line 18, insert:

"N. Notwithstanding Section 53.1-131.1 of the Code of Virginia, a Sheriff or a regional jail superintendent may charge a fee of up to \$20 per day for each offender housed in the jail, if the offender is serving time on weekends or on nonconsecutive days, solely for the purpose of defraying the cost of such weekend or nonconsecutive incarceration."

Explanation:

(This amendment authorizes Sheriffs or regional jail superintendents to increase the fee for incarceration on weekends or nonconsecutive days to not more than \$20 per day.)

Chief Patron: Miller Y.B.

Item 72 #1s

Administration	FY 08-09	FY 09-10	
Compensation Board	\$0	\$908,760	GF

Language:

Page 58, line 36, strike "\$19,317,650" and insert "\$20,226,410".

Explanation:

(This amendment restores \$0.9 million GF the second year to Commissioners of the Revenue.)

Chief Patron: Houck

Item 75 #1s

Administration

FY 08-09

FY 09-10

Compensation Board

\$0

\$729,344 GF

Language:

Page 66, line 17, strike "\$19,183,595" and insert "\$19,912,939".

Explanation:

(This amendment restores \$0.7 million GF the second year to local treasurers.)

Administration

Department Of General Services

Language

Language:

Page 78, line 43, strike "and constructed consistent".

Page 78, strike lines 44 to 46 and insert:

"constructed, verified, and operated to achieve energy savings that exceed the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) standard 90.1-2004 (Energy standard for Buildings Except Low-Rise Residential Buildings) by at least 15% for new construction and 10% for major renovation. In addition, water systems design should result in water use savings at least 25% better than the Federal Energy Policy Act of 1992 baseline standard."

Explanation:

(This amendment eliminates the requirement that certain state building projects conform to the U.S. Green Building Council or the Green Globes building standards and replaces this requirement with the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) standard.)

Chief Patron: Colgan

Item 84 #1s

Administration

Department Of General Services

FY 08-09

\$750,000

FY 09-10

\$1,500,000 GF

Language:

Page 79, line 18, strike "\$5,666,645" and insert "\$6,416,645".

Page 79, line 18, strike "\$5,666,645" and insert "\$7,166,645".

Explanation:

(This amendment provides \$0.8 million GF the first year and \$1.5 million GF the second year for support of the Committee on Purchases of Services from People with Severe Disabilities pursuant to the passage of SB 1314.)

Chief Patron: Miller Y.B.

Item 88 #1s

Administration

FY 08-09

FY 09-10

Department Of Minority Business
Enterprise

\$300,000

\$0 GF

Language:

Page 84, line 2, strike "\$2,260,281" and insert "\$2,560,281".

Explanation:

(This amendment provides \$300,000 GF the first year for the procurement disparity study that is being conducted by the Department of Minority Business Enterprise.)

Chief Patron: Obenshain

Item 90.05 #1s

Administration

FY 08-09

FY 09-10

State Board Of Elections

\$0

\$18,000 GF

Language:

Page 89, line 23, strike "\$292,907" and insert "\$274,907".

Explanation:

(This amendment restores \$18,000 for absentee voting procedures. 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 89 and §4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Blevins

Item 93 #1s

Co-Patron(s): Hanger

Agriculture And Forestry	FY 08-09	FY 09-10	
Department Of Agriculture And Consumer Services	\$100,000	\$100,000	GF

Language:

Page 91, line 29, strike "\$7,075,527" and insert "\$7,175,527".

Page 91, line 29, strike "\$7,085,739" and insert "\$7,185,739".

Page 91, after line 39 insert:

"Included in these amounts is \$100,000 from the general fund each year to implement the recommendations of the study of the plight of Virginia's beekeepers pursuant to Senate Document No. 20 (2006).

Explanation:

(This amendment provides funding to implement recommendations from the study authorized by SJR 28 (2006). These strategies are designed to protect and improve habitat and efforts of beekeepers and honey productions. The study also concluded that healthy bee populations are critical to agriculture production.)

Chief Patron: Ruff

Item 95 #2s

Agriculture And Forestry

Department Of Agriculture And
Consumer Services

Language

Language:

Page 94, line 11, after "River." insert "Out of the amounts included in this Item, the Commissioner shall expend \$150,000 in the second year to continue to support eradication of hydrilla on Lake Gaston, Smith Mountain Lake, Lake Anna and the Potomac River."

Explanation:

(This amendment requires the Department of Agriculture and Consumer Services to provide \$150,000 in the second year out of existing funds for hydrilla control on Lake Gaston, Smith Mountain Lake, Lake Anna and the Potomac River, which was eliminated in the introduced budget. This will provide level funding in the second year.)

Chief Patron: Lucas

Item 102.05 #1s

Agriculture And Forestry

FY 08-09

FY 09-10

Department Of Agriculture And
Consumer Services

\$0

\$150,000 GF

Language:

Page 96, line 31, strike "\$3,179,652" and insert "\$3,029,652".

Page 94, line 7, after "year" insert "and \$150,000 the second year".

Explanation:

(This amendment restores \$150,000 in the second year for hydrilla control on Lake Gaston, Smith Mountain Lake, Lake Anna and the Potomac River, which was eliminated in the introduced budget. This will provide level funding in the second year. 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 95 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: McDougle

Item 105 #1s

Commerce And Trade	FY 08-09	FY 09-10	
Secretary Of Commerce And Trade	\$0	\$6,000,000	GF

Language:

Page 100, line 4, strike "\$14,262,756" and insert "\$20,262,756".

Page 100, line 20, following "and, strike "\$12,500,000" and insert "\$18,500,000".

Explanation:

(This amendment is one of two that transfer \$6.0 million GF the second year from the Higher Education Research Initiative to the Governor's Development Opportunity Fund.)

Chief Patron: Wampler

Item 105 #2s

Commerce And Trade

FY 08-09

FY 09-10

Secretary Of Commerce And Trade

\$0

\$5,000,000 GF

Language:

Page 100, line 4, strike "\$14,262,756" and insert "\$19,262,756".

Page 100, line 20, following "and", strike "\$12,500,000" and insert "\$17,500,000".

Explanation:

(This amendment increases funding for the Governor's Development Opportunity Fund by \$5 million in the second year.)

Chief Patron: Wagner

Item 105 #3s

Commerce And Trade	FY 08-09	FY 09-10	
Secretary Of Commerce And Trade	\$0	\$10,000,000	GF

Language:

Page 100, line 4, strike "\$14,262,756" and insert "\$24,262,756".

Page 100, line 20, after "and", strike "\$12,500,000" and insert "\$22,500,000".

Explanation:

(This amendment provides an additional \$10 million to the Governor's Development Opportunity Fund in the second year.)

Commerce And Trade	FY 08-09	FY 09-10	
Department Of Business Assistance	\$2,500,000	\$2,500,000	GF

Language:

Page 104, line 20, strike "\$12,469,124" and insert "\$14,969,124".

Page 104, line 21, strike "\$12,497,519" and insert "\$14,997,519".

Page 104, line 38, strike "A." and insert "A.1.".

Page 104, following line 43, insert

"A.2. Out of the amounts for Economic Development Services shall be provided \$2,500,000 the first year and \$2,500,000 the second year from the general fund for the Virginia Capital Access and Loan Guaranty Programs. It is the intent of the General Assembly that these funds shall be used to provide loan guaranties or portfolio insurance to financial institutions that establish programs to restructure existing bank debt for qualified small businesses."

Explanation:

(This amendment provides \$2.5 million in each year to the Virginia Small Business Financing Authority for assistance to financial institutions that offer programs to restructure existing debt of qualified small businesses.)

Commerce And Trade	FY 08-09	FY 09-10	
Department Of Business Assistance	\$2,500,000	\$2,500,000	GF

Language:

Page 104, line 20, strike "\$12,469,124" and insert "\$14,969,124".

Page 104, line 21, strike "\$12,497,519" and insert "\$14,997,519".

Page 104, line 38, strike "A." and insert "A.1.".

Page 104, following line 43, insert

"A.2. Out of the amounts for Economic Development Services shall be provided \$2,500,000 the first year and \$2,500,000 the second year from the general fund for the Virginia Capital Access and Loan Guaranty Programs. It is the intent of the General Assembly that these funds shall be used to provide loan guaranties or portfolio insurance to financial institutions that establish programs to restructure existing bank debt for qualified small businesses."

Explanation:

(This amendment provides \$2.5 million in each year to the Virginia Small Business Financing Authority for assistance to financial institutions that offer programs to restructure existing debt of qualified small businesses.)

Chief Patron: Puller

Item 108 #3s

Commerce And Trade	FY 08-09	FY 09-10	
Department Of Business Assistance	\$0	\$38,250	GF

Language:

Page 104, line 21, strike "\$12,497,519" and insert "\$12,535,769".

Page 105, following line 24, insert

"E. There is hereby appropriated \$38,250 in the second year from the general fund for workforce development and employment skills training programs administered by United Community Ministries in the City of Alexandria."

Explanation:

(This amendment provides \$38,250 from the general fund in the second year for workforce development programs administered by United Community Ministries. This nonstate agency is located in the City of Alexandria.)

Chief Patron: Barker

Item 108.05 #1s

Commerce And Trade

FY 08-09

FY 09-10

Department Of Business Assistance

\$0

\$7,062 GF

Language:

Page 105, line 25, strike "\$752,291" and insert "\$745,229".

Page 104, line 46, unstrike "\$141,235" and strike "\$134,173".

Explanation:

(This amendment restores reductions to the Virginia-Israel Advisory Board in the Department of Business Assistance. 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 108.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Wampler

Item 114.05 #1s

Commerce And Trade	FY 08-09	FY 09-10	
Department Of Housing And Community Development	\$1,106,100	\$2,250,000	GF

Language:

Page 113, line 17, strike "\$3,817,068" and insert "\$2,710,968".

Page 113, line 17, strike "\$5,800,214" and insert "\$3,550,214".

Page 112, line 26, after "includes", unstrike "\$15,400,000" and strike "\$14,293,900".

Page 112, line 27, after "and", unstrike "\$15,400,000" and strike "\$13,150,000".

Explanation:

(This amendment restores reductions to the Enterprise Zone Program in the Department of Housing and Community Development. 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 114.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Quayle

Item 114.05 #2s

Commerce And Trade	FY 08-09	FY 09-10	
Department Of Housing And Community Development	\$1,106,100	\$2,250,000	GF

Language:

Page 113, line 17, strike "\$3,817,068" and insert "\$2,710,968".

Page 113, line 17, strike "\$5,800,214" and insert "\$3,550,214".

Page 112, line 26, after "includes", unstrike "\$15,400,000" and strike "\$14,293,900".

Page 112, line 27, after "and", unstrike "\$15,400,000" and strike "\$13,150,000".

Explanation:

(This amendment restores reductions to the Enterprise Zone Program in the Department of Housing and Community Development. 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 114.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Colgan

Item 114.05 #3s

Commerce And Trade

FY 08-09

FY 09-10

Department Of Housing And
Community Development

\$0

\$300,000 GF

Language:

Page 113, line 17, strike "\$5,800,214" and insert "\$5,500,214".

Page 109, line 16, strike "\$1,262,487" and insert "1,562,487".

Explanation:

(This amendment partially restores reductions to the Southeast Rural Community Assistance Project in the Department of Housing and Community Development. Actual reductions for the program totalled \$444,000 for the biennium. 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 114.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Reynolds

Item 125 #1s

Commerce And Trade

Virginia Employment Commission

Language

Language:

Page 121, following line 17, insert

"E. The Virginia Employment Commission is prohibited from closing, moving, or reducing staffing to levels below those in place on July 1, 2007 in the Galax and Martinsville VEC Offices."

Explanation:

(This amendment prohibits the Virginia Employment Commission from closing, moving, or reducing staffing levels in the Galax and Martinsville VEC Offices. The VEC would further be required to restore the 8 positions in each office that were reduced in December 2007 through employee reductions in other VEC Offices.)

Commerce And Trade	FY 08-09	FY 09-10	
Virginia Tourism Authority	\$800,000	\$800,000	GF

Language:

- Page 124, line 42, strike "\$800,000" and insert "\$0".
- Page 124, line 42, strike "\$818,209" and insert "\$18,209".
- Page 124, line 17, unstrike "\$100,000" and strike "\$95,000".
- Page 124, line 17, after "and", unstrike "\$100,000" and strike "\$95,000"
- Page 124, line 22, after "least", unstrike "\$300,000" and strike "\$285,000".
- Page 124, line 26, unstrike "\$225,000" and strike "\$213,750".
- Page 124, line 26, after "and", unstrike "\$225,000" and strike "\$213,750".
- Page 123, line 31, after "least", unstrike "\$675,000".
- Page 123, line 32, strike "\$641,250".

Explanation:

(This amendment restores reductions to the Virginia Tourism Authority and the Tourist Promotion programs. 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 130.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Colgan

Item 131 #1s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Secretary Of Education

\$0

\$50,000 GF

Language:

Page 126, line 3, strike "\$654,068" and insert "\$704,068".

Page 126, after line 44, insert:

"C. Out of this appropriation, \$50,000 the second year from the general fund for Bridging Boundaries International for an educational exchange program."

Explanation:

(This amendment provides \$50,000 GF the second year for an educational exchange program administered by the Bridging Boundaries International Program.)

Chief Patron: Houck

Item 133 #1s

**Education: Elementary &
Secondary**

Department Of Education, Central
Office Operations

Language

Language:

Page 129, strike lines 16-22

Page 129, after line 15 insert:

"The Board of Education shall submit a plan to the General Assembly indicating the methods and timelines for including instructional positions needed for blind and visually impaired students enrolled in public schools. The plan shall be submitted to the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2009."

Explanation:

(This amendment modifies existing language to mandate a plan for instructional positions for blind and visually impaired students enrolled in public schools.)

Chief Patron: Whipple

Item 134 #1s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Department Of Education, Central
Office Operations

\$0

\$2,101,677 GF

Language:

Page 129, line 23, strike "\$44,398,406" and insert "\$46,500,083".

Page 129, after line 37, insert:

"C. Out of this appropriation, \$2,101,677 the second year from the general fund is provided to pay for the Access for ELLs test for limited English proficient (LEP) students in grades K-12 and the costs associated with the test."

Explanation:

(This amendment provides funding of over \$2.1 million GF the second year to pay for the Access for ELLs test and testing costs for limited English proficient (LEP) students in grades K-12. This testing is required under No Child Left Behind.)

Chief Patron: Whipple

Item 139 #1s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$1,176,750 GF

Language:

Page 132, line 43, strike "\$6,204,120" and insert "\$7,380,870".

Explanation:

(This amendment provides almost \$1.2 million GF the second year to guarantee sufficient funds in FY 2010 for bonuses for teachers who have gained certification from the National Board for Professional Teaching Standards.)

Chief Patron: Edwards

Item 139 #2s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$85,263 GF

Language:

Page 132, line 43, strike "\$6,204,120" and insert "\$6,289,383".

Page 133, line 2, strike "\$364,737" and insert "\$450,000"

Explanation:

(This amendment provides \$85,263 GF the second year to partially restore reductions to the Jobs for Virginia Graduates program. This funding reduces the 27 percent reduction in the Governor's introduced budget to 10 percent.)

Chief Patron: Norment

Item 139 #3s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$50,000 GF

Language:

Page 132, line 43, strike "\$6,204,120" and insert "\$6,254,120".

Page 135, after line 23, insert:

"K. Out of this appropriation, \$50,000 the second year from the general fund for Bridging Boundaries International for an educational exchange program."

Explanation:

(This amendment provides \$50,000 GF the second year for an educational exchange program administered by the Bridging Boundaries International Program.)

Chief Patron: Wampler

Item 140 #1s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$27,499,994 GF

Language:

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,924,409,245".

Page 137, line 39, strike "\$0" and insert "\$27,499,994"

Page 137, line 41, strike "\$0" and insert "\$27,499,994"

Explanation:

(This amendment restores \$27.5 million GF in the second year for school construction funding.)

Chief Patron: Stolle

Item 140 #2s

**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 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 encourages local governments to be flexible with local school boards by allowing carry over of unspent funds and appropriating state and local funds for public education in a lump sum.)

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 152, strike lines 51 through 60

Page 153, strike lines 1-12 and insert:

“k. 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 standards for support positions, with the objective of maximizing resources devoted to the instructional program. In its evaluation, the Board 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.”

Page 176, strike lines 1-22

Explanation:

(This amendment eliminates in the second year the imposition of a cap on certain support positions included in Basic Aid. The amendment further calls for the Board of Education to evaluate current staffing standards for instructional positions and review the appropriateness of establishing staffing standards for support positions.)

Chief Patron: Reynolds

Item 140 #4s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 144, after line 45 insert:

"g. To provide flexibility in the provision of services to at-risk students, school divisions may use the state K-3 Primary Class Size initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ math or reading specialists to provide intervention services. School divisions using the K-3 Primary Class Size initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education."

Explanation:

(This amendment provides flexibility in the use of K-3 Primary Class Size initiative funding to employ reading and math specialists.)

Chief Patron: Colgan

Item 140 #5s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 149, after line 9 insert:

"25. For fiscal year 2010, any locality may access the following state funds without appropriating the required local match: Textbooks, VPSA Technology, and the Lottery-funded programs."

Explanation:

(This amendment provides a local matching fund waiver for the specified programs for fiscal year 2010.)

Education: Elementary & Secondary

Direct Aid To Public Education

Language

Language:

Page 149, after line 9 insert:

"25. To provide flexibility in the provision of educational services, localities may use the following alternate staffing ratios for fiscal year 2010. These ratios provide a temporary alteration of the minimal staffing requirements for the specified school division instructional, administrative, and support personnel under standard two of the Standards of Quality."

Level/Position	SOQ Minimal Staffing Requirements	Temporary Change
Kindergarten	Avg. 24 to one No Class > 29 Aide if > 24	Avg. 25 to one No Class > 30 Aide if > 25
Grades 1-3	Avg. 24 to one No Class > 30	Avg. 25 to one No Class > 31
Grades 4-6	Avg. 25 to one No Class > 35	Avg. 27 to one No change
English Classes 6-12	Avg. 24 to one	Avg. 25 to one
Middle and High Schools	Avg. 21 to one	Avg. 22 to one
K-12 Prevention, Intervention, and Remediation	FTE as appropriate per 1,000	Waive ratio requirements
K-12 Limited English Proficiency	17 FTE per 1,000 students	No change
Reading Specialist	1 FTE per Elementary School per discretion of local school board	Waive ratio requirements
Elementary Art, Music, Physical Education	5 FTE per 1,000 students 150 minutes of physical fitness per week on average during regular school year	Waive ratio requirements
Special Education, Gifted, Career, and Technical	FTE per 1,000 students as set forth in the appropriation act	Waive ratio requirements
Technology	2 FTE per 1,000 students	No change

	(1 FTE Technology Support 1 FTE Instructional Technology Resource Teacher)	
Principals	1 FTE per school	No change
Assistant Principals	1 FTE at 900 in Elementary 1 FTE at 600 in Middle and High School	No change
Librarians	1 FTE at 300 in Elementary 1 FTE at 300 in Middle 1 FTE at 300 and 2 FTE at 1,000 in High School	Waive ratio requirements
Guidance	1 FTE at 500 in Elementary 1 FTE at 400 in Middle 1 FTE at 350 in High School	Waive ratio requirements
Clerical	1 FTE at 300 in Elementary 1 FTE + 1 FTE per 600 + 1 FTE in library at 750 in Middle and High School	Waive ratio requirements

Explanation:

(This amendment provides a temporary alteration of the minimal staffing requirements for the specified school division instructional, administrative, and support personnel under standard two of the Standards of Quality.)"

Chief Patron: Wampler

Item 140 #7s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$55,805,447 GF

Language:

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,952,714,698".

Explanation:

(This amendment restores \$55.8 million GF the second year for the use of Lottery Funds for school construction grants. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for under the appropriation detail of education assistance programs during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Lucas

Item 140 #8s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$11,643,246 GF

Language:

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,908,552,497".

Page 153, line 10, strike "or"

Page 153 line 10, after "positions" insert "or social workers,"

Explanation:

(This amendment exempts social workers from the support position cap included in Basic Aid in the second year. Restores funding of \$11.6 million GF the second year for this purpose.)

Chief Patron: Hanger

Item 140 #9s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

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".

Explanation:

(This amendment restores savings of \$1.2 million GF the second year that would have resulted from the closure of Commonwealth Center for Children and Adolescents in Staunton. This is a companion amendment to one that eliminates the closure of that facility.)

Chief Patron: Puckett

Item 140 #10s

**Education: Elementary &
Secondary**

FY 08-09

FY 09-10

Direct Aid To Public Education

\$0

\$679,000 GF

Language:

Page 135, line 25, strike "\$5,896,909,251" and insert "\$5,897,588,251".

Explanation:

(This amendment restores savings of \$679,000 GF the second year that would have resulted from the closure of Southwestern Virginia Mental Health Institute's Adolescent Unit in Smyth County. This is a companion amendment to one that eliminates the closure of that facility.)

Chief Patron: Puckett

Item 147 #1s

Co-Patron(s): Edwards, Hanger, Locke, Newman, Vogel

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$2,100,000	GF

Language:

Page 178, line 36, strike "\$65,791,295" and insert "\$67,891,295".
Strike lines 4 to 14.

Explanation:

(This amendment restores \$2.1 million GF the second year for tuition assistance grants for graduate students. 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 147 and §4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Miller J.C.

Item 147 #2s

Co-Patron(s): Colgan, Edwards, Houck, Locke, Miller
Y.B., Quayle, Reynolds, Wampler, Watkins, Whipple

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$200,000	GF

Language:

Page 178, line 36, strike "\$65,791,295" and insert "\$65,991,295".

Page 17, line 26, following "and" strike "\$170,000" and insert "\$370,000".

Explanation:

(This amendment provides an additional \$0.2 million GF the second year for the Virginia Space Grant Consortium Scholarships.)

Chief Patron: Whipple

Item 147 #3s

Education: Higher Education

FY 08-09

FY 09-10

State Council Of Higher Education
For Virginia

\$0 (\$5,803,000) GF

Language:

Page 178, line 36, strike "\$65,791,295" and insert "\$59,988,295".

Page 179, line 22 following "and" strike "\$58,031,933" and insert "\$52,288,933".

Page 179, line 49 following "exceed" strike "\$3,200" and insert "\$2,880".

Page 179, line 50 following "and" strike "\$2,200" and insert "\$1,980".

Explanation:

(This amendment reduces tuition assistance grants by \$5.8 million GF (10 percent) the second year.)

Chief Patron: Quayle

Item 148 #1s

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$2,816,246	GF

Language:

Page 182, line 6, strike "\$75,000" and insert "\$2,891,246".

Explanation:

(This amendment restores \$2.8 million GF the second year for the eminent scholars program at the University of Virginia. 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 HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Edwards

Item 148 #2s

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$577,780	GF

Language:

Page 182, line 6, strike "\$75,000" and insert "\$652,780".

Explanation:

(This amendment restores \$0.6 million GF the second year for the eminent scholars program at the Virginia Tech. 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 HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Norment

Item 148 #3s

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$1,271,900	GF

Language:

Page 182, line 6, strike "\$75,000" and insert "\$1,346,900".

Explanation:

(This amendment restores \$1.3 million GF the second year for the eminent scholars program at the College of William and Mary. 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 HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Colgan

Item 148 #4s

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$539,806	GF

Language:

Page 182, line 6, strike "\$75,000" and insert "\$614,806".

Explanation:

(This amendment restores \$0.5 million GF the second year for the eminent scholars program at George Mason University. 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 HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Marsh

Item 148 #5s

Education: Higher Education	FY 08-09	FY 09-10	
State Council Of Higher Education For Virginia	\$0	\$30,573	GF

Language:

Page 182, line 6, strike "\$75,000" and insert "\$105,573".

Explanation:

(This amendment restores \$30,573 GF the second year for the eminent scholars program at Virginia State University. 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 HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Miller J.C.

Item 152 #1s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$722,576 GF

Language:

Page 187, line 32, strike "\$53,867,420" and insert "\$54,589,996".

Explanation:

(This amendment provides an additional \$0.7 million GF the second year to continue funding originally provided from the Tuition Moderation Incentive Fund to Christopher Newport University.)

Chief Patron: Miller J.C.

Item 153 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Christopher Newport University	\$0	\$676,666	GF

Language:

Page 188, line 19, strike "\$3,773,990" and insert "\$4,450,656".

Explanation:

(This amendment provides an additional \$0.7 million GF the second year for student financial assistance at Christopher Newport University.)

Chief Patron: Norment

Item 156 #1s

Education: Higher Education	FY 08-09	FY 09-10	
The College Of William And Mary	\$0	\$622,060	GF
In Virginia	\$0	\$1,014,940	NGF
	0.00	10.50	FTE

Language:

Page 189, line 22, strike "\$140,588,878" and insert "\$142,225,878".

Explanation:

(This amendment provides an additional \$0.6 million GF and \$1.0 million NGF the second year for operating and maintenance costs of new facilities at the College of William and Mary.)

Chief Patron: Norment

Item 157 #1s

Education: Higher Education	FY 08-09	FY 09-10	
The College Of William And Mary In Virginia	\$0	\$482,000	GF

Language:

Page 190, line 28, strike "\$8,845,451" and insert "\$9,327,451".

Explanation:

(This amendment provides an additional \$0.5 million GF the second year for student financial assistance at the College of William and Mary.)

Chief Patron: Colgan

Item 167 #1s

Education: Higher Education

George Mason University

FY 08-09

\$500,000

FY 09-10

\$0 GF

Language:

Page 196, line 11, strike "\$342,684,030" and insert "\$343,184,030".

Explanation:

(This amendment provides an additional \$0.5 million GF the first year for operating and maintenance costs of new facilities at the George Mason University.)

Chief Patron: Colgan

Item 167 #2s

Education: Higher Education

George Mason University

FY 08-09

FY 09-10

\$0

\$2,030,266 GF

\$0

\$1,726,092 NGF

Language:

Page 196, line 12, strike "\$358,084,030" and insert "\$361,840,388".

Explanation:

(This amendment provides an additional \$2.0 million GF and \$1.7 million NGF the second year for operating and maintenance costs of new facilities at George Mason University.)

Chief Patron: Colgan

Item 167 #3s

Co-Patron(s): Puller

Education: Higher Education	FY 08-09	FY 09-10	
George Mason University	\$25,000	\$50,000	GF

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, following 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 GF the first year and \$50,000 GF the second year to support the Belmont Bay Science Center. A companion amendment removes these funds from the Science Museum of Virginia.)

Chief Patron: Hanger

Item 171 #1s

Education: Higher Education

James Madison University

FY 08-09

FY 09-10

\$0	\$312,615	GF
\$0	\$352,523	NGF
0.00	16.00	FTE

Language:

Page 198, line 30, strike "\$224,347,013" and insert "\$225,012,151".

Explanation:

(This amendment provides an additional \$0.3 million GF, and \$0.3 NGF the second year for operating and maintenance costs of new facilities at James Madison University.)

Chief Patron: Hanger

Item 171 #2s

Education: Higher Education

James Madison University

FY 08-09

FY 09-10

\$0

\$2,547,877 GF

0.00

23.00 FTE

Language:

Page 198, line 30, strike "\$224,347,013" and insert "\$226,894,890".

Strike lines 4 to 14.

Explanation:

(This amendment provides \$2.5 million GF the second year to fund the newly established engineering program at James Madison University.)

Chief Patron: Miller Y.B.

Item 179 #1s

Co-Patron(s): Edwards, Locke, Lucas, Northam, Quayle,
Wagner

Education: Higher Education	FY 08-09	FY 09-10	
Norfolk State University	\$1,470,721	\$1,480,721	GF
	10.00	10.00	FTE

Language:

Page 202, line 26, strike "\$80,314,158" and insert "\$81,784,879".

Page 202, line 27, strike "\$80,514,158" and insert "\$81,994,879".

Explanation:

(This amendment provides \$1.5 million GF the first year and \$1.5 million GF the second year for the PhD program in materials science at Norfolk State University.)

Chief Patron: Stolle

Item 183 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Old Dominion University	\$656,355	\$1,275,789	GF
	\$495,145	\$962,211	NGF
	18.00	23.00	FTE

Language:

Page 205, line 6, strike "\$210,655,003" and insert "\$211,806,503".

Page 205, line 7, strike "\$218,417,768" and insert "\$220,655,768".

Explanation:

(This amendment provides an additional \$0.7 million GF and \$0.5 NGF the first year, and \$1.3 million GF and \$1.0 NGF the second year for operating and maintenance costs of new facilities at Old Dominion University.)

Chief Patron: Reynolds

Item 187 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Radford University	\$0	\$163,244	GF
	\$0	\$104,809	NGF
	0.00	3.00	FTE

Language:

Page 209, line 22, strike "\$103,526,684" and insert "\$103,794,737".

Explanation:

(This amendment provides an additional \$0.2 million GF and \$0.1 NGF the second year for operating and maintenance costs of new facilities at Radford University.)

Chief Patron: Houck

Item 191 #1s

Education: Higher Education	FY 08-09	FY 09-10	
University Of Mary Washington	\$0	\$214,368	GF
	\$0	\$191,632	NGF

Language:

Page 211, line 25, strike "\$60,672,179" and insert "\$61,078,179".

Explanation:

(This amendment provides an additional \$0.2 million GF and \$0.2 NGF the second year for operating and maintenance costs of new facilities at the University of Mary Washington.)

Chief Patron: Quayle

Item 197 #1s

Education: Higher Education

University Of Virginia

FY 08-09

FY 09-10

\$0	\$3,614,943	GF
\$0	\$5,606,851	NGF
0.00	67.70	FTE

Language:

Page 213, line 45, strike "\$499,355,479" and insert "\$508,577,273".

Explanation:

(This amendment provides an additional \$3.6 million GF and \$5.6 NGF the second year for operating and maintenance costs of new facilities at the University of Virginia.)

Chief Patron: Quayle

Item 198 #1s

Education: Higher Education

FY 08-09

FY 09-10

University Of Virginia

\$0

\$691,300 GF

Language:

Page 216, line 42, strike "\$58,548,572" and insert "\$59,239,872".

Explanation:

(This amendment provides an additional \$0.7 million GF the second year for student financial assistance at University of Virginia.)

Chief Patron: Wampler

Item 204 #1s

Education: Higher Education	FY 08-09	FY 09-10	
University Of Virginia's College At	\$0	\$451,812	GF
Wise	0.00	3.00	FTE

Language:

Page 219, line 32, strike "\$22,802,357" and insert "\$23,254,169".

Explanation:

(This amendment provides an additional \$0.5 million GF the second year for operating and maintenance costs of new facilities at the University of Virginia at Wise.)

Chief Patron: McEachin

Item 208 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Commonwealth University	\$0	\$1,149,728	GF
	\$0	\$1,031,919	NGF

Language:

Page 221, line 40, strike "\$495,208,670" and insert "\$497,390,317".

Explanation:

(This amendment provides an additional \$1.1 million GF and \$1.0 million NGF the second year for operating and maintenance costs of new facilities at Virginia Commonwealth University.)

Chief Patron: McEachin

Item 208 #2s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Commonwealth University	\$0	\$1,162,759	GF
	\$0	\$1,043,615	NGF

Language:

Page 221, line 40, strike "\$495,208,670" and insert "\$497,415,044".

Explanation:

(This amendment provides an additional \$1.2 million GF and \$1.0 million NGF the second year for increased energy costs at the Virginia Commonwealth University.)

Chief Patron: Puckett

Item 208 #3s

Education: Higher Education

Virginia Commonwealth University

Language

Language:

Page 225, following line 45, insert:

"P. The School of Dentistry at Virginia Commonwealth University shall place a priority of acceptance on applicants and students who apply from rural and underserved areas of the Commonwealth, specifically Southwest Virginia and Southside Virginia."

Explanation:

(This amendment is self explanatory.)

Chief Patron: Colgan

Item 213 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Community College	\$0	\$5,664,046	GF
System	\$0	\$3,903,618	NGF

Language:

Page 227, line 34, strike "\$762,968,843" and insert "\$772,536,507".

Explanation:

(This amendment provides an additional \$5.7 million GF and \$3.9 million NGF the second year for operating and maintenance costs of new facilities at various campuses of the Virginia Community College System.)

Chief Patron: Deeds

Item 213 #3s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Community College System	\$0	\$270,000	GF

Language:

Page 227, line 34, strike "\$762,968,843" and insert "\$763,238,843".

Explanation:

(This amendment provides an additional \$0.3 million GF the second year for the Community College Transfer Grant program, as provided for in SB 1214.)

Chief Patron: Edwards

Item 213 #4s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Community College System	\$0	\$5,000,000	GF

Language:

Page 227, line 34, strike "\$762,968,843" and insert "\$767,968,843".

Explanation:

(This amendment provides \$5.0 million GF the second year for the Community College Scholarship Match Program pursuant to passage of SB 866.)

Chief Patron: Whipple

Item 214 #1s

Education: Higher Education

Virginia Community College
System

FY 08-09

\$0

FY 09-10

\$1,000 GF

Language:

Page 232, line 19, strike "\$223,755,598" and insert "\$223,756,598".

Explanation:

(This amendment provides \$1,000 GF the second year for administrative costs associated with implementation of SB 1049, expansion of the Community College Foster Care Tuition Grant Program.)

Chief Patron: Miller J.C.

Item 216 #1s

Education: Higher Education

Virginia Community College
System

Language

Language:

Page 233, line 3, following "for" delete "the master equipment lease program for the purchase of equipment" and insert "training costs."

Explanation:

(This amendment changes the use of funds included in SB 850 for the Virginia Community College System's workforce development program from equipment to training.)

Chief Patron: Norment

Item 219 #1s

Co-Patron(s): Hanger, Northam

Education: Higher Education

Virginia Military Institute

FY 08-09

\$0

FY 09-10

\$164,626 GF

Language:

Page 233, line 50, strike "\$32,218,095" and insert "\$32,382,721".

Explanation:

(This amendment provides an additional \$0.2 million GF the second year for operating and maintenance costs of new facilities at Virginia Military Institute.)

Chief Patron: Norment

Item 219 #2s

Co-Patron(s): Hanger, Northam

Education: Higher Education

Virginia Military Institute

FY 08-09

\$0

FY 09-10

\$304,000 GF

Language:

Page 233, line 50, strike "\$32,218,095" and insert "\$32,522,095".

Explanation:

(This amendment provides an additional \$0.3 million GF the second year for increased energy costs at the Virginia Military Institute.)

Chief Patron: Edwards

Item 224 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Polytechnic Institute And	\$262,721	\$514,465	GF
State University	\$359,840	\$704,645	NGF

Language:

Page 236, line 3, strike "\$488,677,655" and insert "\$489,300,216".

Page 236, line 2, strike "\$501,853,133" and insert "\$503,072,243".

Explanation:

(This amendment provides an additional \$0.3 million GF and \$0.4 NGF the first year, and \$0.5 million GF and \$0.7 NGF the second year for operating and maintenance costs of new facilities at the Virginia Tech.)

Chief Patron: Edwards

Item 224 #2s

Education: Higher Education

FY 08-09

FY 09-10

Virginia Polytechnic Institute And
State University

\$0

\$5,484,715 GF

Language:

Page 236, line 2, strike "\$501,853,133" and insert "\$507,337,848".

Explanation:

(This amendment provides an additional \$5.5 million GF the second year for increased energy costs at the Virginia Tech.)

Chief Patron: Edwards

Item 225 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Virginia Polytechnic Institute And State University	\$0	\$2,148,161	GF

Language:

Page 237, line 32, strike "\$17,150,905" and insert "\$19,299,066".

Explanation:

(This amendment provides an additional \$2.1 million GF the second year for student financial assistance at Virginia Tech.)

Chief Patron: Marsh

Item 230 #1s

Education: Higher Education

FY 08-09

FY 09-10

Virginia State University

\$0

\$315,000 GF

Language:

Page 241, line 29, strike "\$68,808,796" and insert "\$69,123,796".

Explanation:

(This amendment provides an additional \$0.3 million GF the second year for increased energy costs at Virginia State University.)

Chief Patron: Marsh

Item 231 #1s

Education: Higher Education

FY 08-09

FY 09-10

Virginia State University

\$0

\$300,000 GF

Language:

Page 243, line 12, strike "\$7,740,310" and insert "\$8,040,310".

Explanation:

(This amendment provides an additional \$0.3 million GF the second year for student financial assistance at Virginia State University)

Chief Patron: Colgan

Item 242 #1s

Co-Patron(s): Puller

Education: Other	FY 08-09	FY 09-10	
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 to 21.

Explanation:

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

Chief Patron: McDougle

Item 254 #1s

Education: Higher Education	FY 08-09	FY 09-10	
Higher Education Research Initiative	\$0	(\$6,000,000)	GF

Language:

Page 258, line 3, strike "\$7,500,000" and insert "\$1,500,000".

Explanation:

(This amendment is one of two that transfer \$6.0 million GF the second year from the Higher Education Research Initiative to the Governor's Opportunity Fund.)

Chief Patron: Deeds

Item 267 #1s

Finance

FY 08-09

FY 09-10

Department Of Accounts Transfer
Payments

\$0

\$225,000 GF

Language:

Page 271, line 2, strike "\$10,058,131" and insert "\$10,283,131".

Explanation:

(This amendment provides \$225,000 GF the second year pursuant to the passage of SB 943, which amends the definition of "deceased person" under the Line of Duty Act.)

Finance

Department Of Taxation

Language

Language:

Page 277, following line 51, insert:

"The Department of Taxation shall (i) 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 help identify coding errors in use tax allocations by out-of-state vendors, (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.)

Chief Patron: Hurt

Item 280 #1s

Finance

Treasury Board

Language

Language:

Page 285, strike lines 55 through 58.

Explanation:

(This amendment eliminates language which would have prohibited the payment of the additional \$11.3 million state share of the capital cost of the Western Virginia Regional Jail for cost overruns which have been approved by the Board of Corrections.)

Chief Patron: Colgan

Item 280 #2s

Co-Patron(s): Edwards, Smith

Finance

Treasury Board

Language

Language:

Page 285, strike lines 55 through 58.

Explanation:

(This amendment eliminates language which would have prohibited the payment of the additional \$11.3 million state share of the capital cost of the Western Virginia Regional Jail for cost overruns which have been approved by the Board of Corrections.)

Chief Patron: Marsh

Item 280 #3s

Finance

Treasury Board

Language

Language:

Page 286, following line 12, insert " Meherrin Regional Jail authority.".

Explanation:

(This amendment authorizes the Treasury Board to issue bonds for the Commonwealth's share of the Meherrin Regional Jail.)

Chief Patron: Lucas

Item 280 #4s

Co-Patron(s): Marsh, Ruff

Finance

Treasury Board

Language

Language:

Page 286, following line 12, insert " Meherrin Regional Jail authority.".

Explanation:

(This amendment authorizes the Treasury Board to issue bonds for the Commonwealth's share of the Meherrin Regional Jail.)

Health And Human Resources	FY 08-09	FY 09-10	
Comprehensive Services For At-Risk Youth And Families	\$0	\$3,900,000	GF

Language:

Page 293, line 16, strike "\$377,213,889" and insert "\$381,113,889".

Page 297, line 44, strike "be 25 percent" and insert:

"remain at the same rate as of June 30, 2009".

Page 297, line 45, strike "above the fiscal year 2007 base rate".

Explanation:

(This amendment provides \$3.9 million GF the second year to eliminate an increase in the local share of residential treatment services scheduled to take effect on July 1, 2009. Without this amendment the local share of residential treatment for CSA services would increase from 15 and 25 percent after a locality exceeds \$200,000 in residential treatment costs.)

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 297, after line 57, insert:

"e. Each Community Policy and Management Team (CPMT) shall determine the most appropriate and cost-effective provider of intensive care coordination (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 program. Providers of ICC services may include, public, private, or non-profit entities. Community services boards (CSBs) shall work collaboratively with each CPMT in its service area to develop a local plan for 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. 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 assess who should conduct intensive care coordination for CSA children placed in or at risk of placement in residential care. In addition, the amendment requires community services boards and Community Policy and Management Teams to work together to develop a local plan for ICC 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.)

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 the period, 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 CPMT and FAPT 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 (a) a description of each program and trainers, (b) the dates of the training and the number of attendees for each program, (c) a summary of evaluations of these programs by attendees, and (d) the funds expended shall be made to the Chairs 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 throughout 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.)

Chief Patron: Howell

Item 283 #4s

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 293, line 31, after the period, insert:

"The State Executive Council shall provide guidelines for a locality to use up to 25 percent of its state funds pool allocation to create community-based services in their locality, or regionally with adjoining localities. Services provided shall qualify for state general fund reimbursement at the localities state pool fund match rate. The guidelines shall be in place on or before July 1, 2009."

Explanation:

(This amendment requires the Office of Comprehensive Services to develop guidelines that would allow localities to use up to 25 percent of their state pool allocation to develop community-based services. Localities would be eligible for reimbursement at the state matching rate for such services.)

Chief Patron: Hanger

Item 283 #5s

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 294, line 37, after the period, insert:

"Services ordered pursuant to a disposition rendered by a court pursuant to §2.2-5211(E), Code of Virginia, shall qualify for funding as appropriated under this item and be limited to services approved by the Community Policy and Management Team of the locality that will be responsible for the costs of services rendered pursuant to the order."

Explanation:

(This language amendment requires that court-ordered treatment services be funded from an existing supplemental allocation for localities that exceed their initial distribution of CSA funding. Funds for court-ordered treatment will be limited to those authorized by the local Community Policy and Management Team.)

Health And Human Resources	FY 08-09	FY 09-10	
Department For The Aging	\$0	\$1,553,700	GF

Language:

Page 300, line 17, strike "\$30,328,128" and insert "\$31,881,828".

Page 302, after line 40, insert:

"Q. It is the intent of the General Assembly to eliminate waiting lists for nutrition, transportation and in-home services for older Virginians by 2012. Out of this appropriation, a) \$854,000 GF is for increased costs of providing home delivered meals; b) \$325,700 GF is for increased costs of providing critical transportation to congregate meals, medical appointments, grocery shopping, and pharmacy services; and c) \$374,000 GF is for increased costs of providing other home-based services."

Explanation:

(This amendment provides \$1.6 million GF the second year for home-delivered meals, transportation costs, and home-based services and states that it is the intent of the General Assembly that waiting lists for these services be eliminated by 2012.)

Health And Human Resources

Department Of Health

Language

Language:

Page 306, line 43, strike "1."

Page 306, line 44, unstrike the stricken language.

Page 306, line 44, strike "\$2,645,375".

Page 306, strike lines 48 through 55.

Explanation:

(This amendment removes budget language that proposed to divert an increase of \$0.25 approved by the General Assembly in 2008 from the \$4 for Life Funding to the Department of State Police's med flight operations. The General Assembly increased \$4 for Life Funding from \$4.00 to \$4.25 last session and directed revenues to be deposited to the Rescue Squad Assistance Fund (RSAF). This language amendment restores \$1.6 million, the value of the 25 cent increase, to the RSAF.)

Health And Human Resources

Department Of Health

Language

Language:

Page 307, after line 51, insert:

"C.1. The Office of Vital Records, in conjunction with the Department of Social Services, shall develop a mechanism to make available a birth certificate suitable for display, otherwise referred to as an "Heirloom" birth certificate (HBC). Part of the fee from each HBC shall be used to aid in the prevention of child abuse and neglect as stated in section C.2. of this item.

2. The Office of Vital Records shall establish a fee for HBC orders which shall cover all administrative costs to the Office of Vital Records for developing this program and processing HBC orders. In addition, this fee shall be sufficient to transfer a minimum of \$25 per HBC to the Family and Children's Trust Fund and up to \$100,000 derived from this fee shall be used each year to fund the 1-800-Children Hotline administered by Prevent Child Abuse Virginia.

3. The HBC issued under this subsection must be in a form consistent with the need to protect the integrity of vital records and must be suitable for display. It may bear the seal of the commonwealth and may be signed by the governor. An HBC issued under this subsection has the same status as evidence as an original birth certificate.

4. The fee required under this item is in addition to a fee required under this item for a copy of a birth certificate."

Explanation:

(This amendment establishes a new fee to a) support the cost of creating and operating an "Heirloom" birth certificate program, b) provide additional funding (no less than \$25 of the fee) for the Family and Children's Trust Fund, and c) allocate \$100,000 for the operations of the 1-800-Children Hotline.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Health	\$0	\$250,000	GF

Language:

Page 307, line 53, strike "\$50,875,747" and insert "\$51,125,747".

"F. Out of this appropriation, \$250,000 the second year from the general fund shall be provided for two to four HIV prevention programs targeted at people under 25 years of age. The Department of Health shall make the funding for the programs available in two health districts in which the annualized HIV incidence rate exceeds the state's incidence rate. The department shall use an internally competitive process to select the health districts and encourage local public-private partnerships in the awarding of the funding for the prevention programs."

Explanation:

(This amendment provides \$250,000 GF the second year to develop two to four HIV prevention programs targeted at people under 25 years of age. Rates of HIV infection among young people are not declining and Virginia is among the top states in rates of HIV transmission. Other sources of funding for community-based HIV prevention focus on testing and treatment. This funding would be focused on those areas of the state with higher annual rates of HIV transmission than the overall state rate, primarily the City of Richmond and the Hampton Roads and Tidewater regions.)

Chief Patron: Houck

Item 294 #1s

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 and re-letter the remaining paragraphs.

Explanation:

(This amendment restores funding from excess fee revenues for Regional Health Planning Agencies and eliminates new language removing local RHPAs from the certificate of public need (COPN) process.)

Health And Human Resources

Department Of Health

Language

Language:

Page 309, strike lines 14 through 22.

Page 309, strike "2." and insert "A."

Page 309, strike lines 28 through 52 and insert:

"B. Effective July 1, 2009, the schedule of fees for applications for certificates of public need (COPN) shall not be less than \$1,000 nor exceed the lesser of one percent of the proposed expenditure for the project or \$50,000. Such fees shall be divided equally between the Department of Health and regional health planning agencies (RHPAs), with the allocation among the regional health planning agencies based on population. If any region does not have a designated RHPA for any period of time, the Department of Health shall retain the fees that would have been distributed to the RHPA."

Explanation:

(This amendment eliminates language regarding the operations and funding of regional health planning agencies. It also removes new language eliminating the role of RHPAs in the certificate of public need (COPN) process. Finally, new budget language is added restricting COPN application fees to \$1,000 or the lesser of one percent of the project expenditures not to exceed \$50,000.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Health	\$0	\$69,400	GF

Language:

Page 310, line 28, strike "\$120,058,739" and insert "\$120,128,139".

Explanation:

(This amendment provides \$69,400 GF the second year to address the waiting list within the Children with Special Health Care Needs Bleeding Disorders Program for health insurance premium assistance. The Health Department currently provides \$123,000 for the premium assistance program. The program works with a national nonprofit organization to transition uninsured and Medicaid eligible patients, whose household income is below 200 percent of the federal poverty level and have a hemophilia diagnosis, into private health insurance programs through premium assistance. Since 1996, the program indicates that it has transitioned 147 individuals with hemophilia into private health insurance, saving the Commonwealth more than \$24.7 million. Without additional funding, eight patients would lose their health insurance coverage resulting in costs over \$530,000. The average yearly cost of a health insurance premium is \$8,667 per person, whereas the average yearly cost of medication used to treat hemophilia is \$66,300 per person.)

Chief Patron: Barker

Item 297 #2s

Health And Human Resources

FY 08-09

FY 09-10

Department Of Health

\$0

\$972,206 GF

Language:

Page 313, line 44, strike "\$15,257,022" and insert "\$16,229,228".

Page 319, line 22, strike "500,000" and insert "1,472,206".

Page 319, strike lines 24 through 26.

Explanation:

(This amendment restores 95 percent of full funding for poison control centers in the second year. It also eliminates budget language proposing to consolidate services at one organization. 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.)

Chief Patron: Howell

Item 297 #3s

Health And Human Resources

FY 08-09

FY 09-10

Department Of Health

\$0

\$1,000,000 GF

Language:

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

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

Explanation:

(This amendment provides \$1.0 million GF the second year for additional operating costs at Virginia's Free Clinics.)

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

Language:

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

Page 318, line 49, reinstate the stricken language.

Page 318, line 49, strike "150,000" and insert "63,750".

Page 318, line 51, strike "the Northern Neck and".

Explanation:

(This amendment restores \$63,750 GF the second year for a prenatal care pilot in Emporia, Virginia designed to preserve access to care for low-income women in rural communities. Funding was eliminated in the Governor's introduced budget. Staff at the Department of Health indicate that federal funding has been earmarked for the project in the Northern Neck, so funding is not included for that site. 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.)

Chief Patron: Edwards

Item 297 #5s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Health	\$0	\$35,000	GF
	\$0	\$26,000	NGF

Language:

Page 313, line 44, strike "\$15,257,022" and insert "\$15,318,022".

Explanation:

(This amendment provides \$35,000 GF and \$26,000 NGF the second year for teen pregnancy prevention funding in Roanoke City. The Department of Health noted recently that Roanoke City has the second highest rate of teenage pregnancy at 71.1 per 1,000 girls. Only Petersburg has a higher rate. Funding would add a half-time community educator to conduct multi-session sexuality and life skills programs for teens and pre-teens to prevent sexual risk-taking, which often results in pregnancy, parenthood, and sexually transmitted infections.)

Chief Patron: Whipple

Item 297 #6s

Health And Human Resources

FY 08-09

FY 09-10

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 GF the second year for Virginia Health Information to support 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.)

Chief Patron: Wampler

Item 297 #7s

Health And Human Resources

FY 08-09

FY 09-10

Department Of Health

\$0

\$500,000 GF

Language:

Page 313, line 44, strike "\$15,257,022" and insert "\$15,757,022".

Page 316, line 12, strike "850,000" and insert "1,350,000".

Explanation:

(This amendment provides \$500,000 GF the second year to address the increasing need for health care services for low income Virginians at Free Clinics.)

Chief Patron: Wampler

Item 297 #8s

Health And Human Resources

FY 08-09

FY 09-10

Department Of Health

\$0

\$500,000 GF

Language:

Page 313, line 44, strike "\$15,257,022" and insert "\$15,757,022".

Page 315, line 35, strike "900,000" and insert "1,400,000".

Explanation:

(This amendment provides \$500,000 GF the second year to the Virginia Community Healthcare Association to address increasing demands for health care services at Virginia's community health centers.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$2,500,000	GF
Services	\$0	\$5,000,000	NGF

Language:

Page 322, line 34, strike "\$149,427,415" and insert "\$156,927,415".

Page 323, after line 57, insert:

"G. The Department of Medical Assistance Services shall have the authority to provide coverage for applied behavioral analysis as an in home transitional service in the Family Access to Medical Insurance Security (FAMIS) Plan. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act."

Explanation:

(This amendment provides funding to expand services for autism spectrum disorders under the FAMIS program. Under current law, only children in the fee for services (FFS) portion of FAMIS are eligible to receive coverage of applied behavioral analysis. This proposal will extend that coverage to all children enrolled in FAMIS regardless of the source of payment.)

Chief Patron: Wampler

Item 306 #1s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$97,530	GF
Services	\$0	\$97,530	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.

Explanation:

(This amendment restores \$97,530 GF the second year and a like amount of federal Medicaid matching funds 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).

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$2,700,000	GF
Services	\$0	\$2,700,000	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,938,487,351".

Page 343, after line 50, insert:

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

Explanation:

(This amendment authorizes an increase in Medicaid rates for ambulance providers. The Department of Medical Assistance Services has corrected an error in Medicaid ambulance rates for dual eligibles (people with Medicaid and Medicare) starting April 1, 2008. The rate increase is equivalent to the amount of funding lost due to the overpayment error. As a result of the rate correction, ambulance providers across the state will lose about \$5.0 million a year (\$2.5 million general fund). Ambulance providers are one of the lowest paid providers within the Medicaid program, so this loss of funding is significant.)

Chief Patron: Whipple

Item 306 #3s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$9,187,275	GF
Services	\$0	\$9,187,275	NGF

Language:

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

Page 341, strike line 60.

Page 342, strike lines 1 through 8 and re-letter the remaining paragraphs.

Explanation:

(This amendment restores \$9.2 million GF and an equal amount of federal Medicaid matching funds 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.)

Chief Patron: Norment

Item 306 #4s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 340, line 43, strike "consumer-directed".

Explanation:

(This language amendment modifies a proposal included in the Governor's budget to increase Medicaid payments for personal care services by 3 percent for agency-directed personal care services providers in addition to consumer-directed care providers. The Governor's proposal restricted the increase to consumer-directed care providers only.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 341, line 1, strike "Effective July 1, 2009, the" and insert "The".

Page 341, line 6, before the period, insert:

"for the twelve month period from July 1, 2009 until June 30, 2010.

a. By May 31, 2009, and on an ongoing basis, DMAS shall review EDCD Waiver participants and take steps to terminate waiver enrollment for any enrollee who has not actually utilized waiver services during the previous thirty (30) days, without good cause;

b. After consultation with stakeholder groups and other interested parties,".

Page 341, line 6, strike "The" and insert "the".

Page 341, line 7, strike "and" and insert a comma.

Page 341, line 7, after "implement" insert "and maintain".

Page 341, line 8, strike "Current" and insert:

"c. Criteria for the waiting list shall include the following provisions: (1) current".

Page 341, line 10, after "programs" insert:

"and eligible persons leaving acute, institutional or rehabilitative care settings".

Page 341, line 11, before the period insert:

"(2) eligible persons without caregivers or whose caregivers are no longer available will be given priority placement on the waiting list; and (3)".

Page 341, line 11, strike "All" and insert "all".

Page 341, line 13, before the period insert:

"on a first-come, first-served basis statewide".

Page 341, line 13, strike, "The department shall have the".

Page 341, strike lines 14 and 15.

Page 341, strike line 16 and insert "The".

Explanation:

(This language amendment modifies the proposed implementation of a cap on enrollment in the Elderly or Disabled Waiver with Consumer Direction (EDCD) Program. Since its implementation, the EDCD waiver has operated without a waiting list. Because the cap on slots has been proposed due to a fiscal crisis which is not expected to be permanent, any cap imposed should be limited to a specified period of time, after which the cap will expire. The amendments also require DMAS to purge

from the EDCD rolls individuals not actually using waiver services unless they have good cause for not using such services (e.g., inability to secure service providers.) The amendment also includes language relating to the development and management of the resulting waiting list. The waiting list would be designed with input from the interested parties and stakeholders, include certain priorities for people at imminent risk of institutionalization, and be directly managed by DMAS as a statewide waiting list. Finally, unnecessary regulatory authority is eliminated.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$1,288,971	GF
Services	\$0	\$1,288,971	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,935,665,293".

Explanation:

(This amendment provides \$1.3 million GF and a like amount of federal Medicaid matching funds the second year to restore funding for environmental modifications under the Elderly or Disabled with Consumer Direction Waiver and AIDS Waiver. The proposed budget eliminates funding for assistive technology and environmental modification under these waivers. The amendment would continue coverage for environmental modifications which includes home entrance ramps and bathroom access. EM can reduce the number of service hours needed by providing an accessible environment that can allow the individual to perform functions independently or with less paid support.)

Chief Patron: Colgan

Item 306 #7s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$5,860,700	GF
Services	\$0	\$5,860,700	NGF

Language:

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

Page 341, strike lines 1 through 18.

Explanation:

(This amendment eliminates language imposing a cap on enrollment in the Elderly or Disabled with Consumer Direction waiver program. Funding of \$5.9 million GF and an equal amount of federal Medicaid matching funds is restored the second year to fully-fund enrollment growth in the program.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$5,850,000	GF
Services	\$0	\$5,850,000	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".

Explanation:

(This amendment provides \$5.9 million GF and an equal amount of federal Medicaid matching funds the second year to remove the FY 2010 component of the two-year reduction implemented on July 1, 2008. This reduction was intended to cap the nursing facility Medicaid inflation update to no more than two percent. For ease of administration, the language implementing the reduction was revised, at the request of the nursing home industry with the concurrence of the Administration, to a 1.329 percent reduction factor from normally calculated rates. The FY 2010 component of this reduction, equating to \$11.7 million in total funds, is inconsistent with the language contained in Item 306 TTT. Eliminating the entire inflation update for nursing facilities and effectively representing a double reduction to Medicaid payments for nursing facilities.)

Chief Patron: Quayle

Item 306 #9s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$514,500	GF
Services	\$0	\$514,500	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,934,116,351".

Explanation:

(This amendment provides \$514,500 GF the second year and an equal amount of federal Medicaid matching dollars for an increase in the rates paid for adult day care health centers. Funding is designed to close the gap between the Medicaid-funded adult health reimbursement rates and the actual cost of services as noted by JLARC in a 2005 report.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$5,850,000	GF
Services	\$0	\$5,850,000	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".

Explanation:

(This amendment provides \$5.9 million GF and an equal amount of federal Medicaid matching funds the second year to remove the FY 2010 component of the two-year reduction implemented on July 1, 2008. This reduction was intended to cap the nursing facility Medicaid inflation update to no more than two percent. For ease of administration, the language implementing the reduction was revised, at the request of the nursing home industry with the concurrence of the Administration, to a 1.329 percent reduction factor from normally calculated rates. The FY 2010 component of this reduction, equating to \$11.7 million in total funds, is inconsistent with the language contained in Item 306 TTT. eliminating the entire inflation update for nursing facilities and effectively representing a double reduction to Medicaid payments for nursing facilities.)

Chief Patron: Houck

Item 306 #11s

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.)

Chief Patron: Stosch

Item 306 #12s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$2,600,967	GF
Services	\$0	\$2,600,967	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,938,289,285".

Explanation:

(This amendment provides \$2.6 million from the general fund and an equal amount of federal matching funds the second year for 200 additional community-based waiver slots in the Medicaid Individual and Family Developmental Disabilities (DD) Support Waiver program.)

Chief Patron: Puckett

Item 306 #13s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$51,000	GF
Services	\$0	\$51,000	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,933,189,351".

Explanation:

(This amendment provides \$51,000 GF and an equal amount of federal Medicaid matching funds the second year for an additional payment of 5% for home health services delivered in rural areas. Home health agencies located in rural areas experience higher costs, particularly in the areas of personnel and travel. Rural agencies typically have fewer patients, resulting in higher costs per patient.)

Chief Patron: Hanger

Item 306 #14s

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 not enforce the requirement that hospices provide 21 hours per week of personal care to beneficiaries in waiver programs. The Director shall report to the Chairmen of the Senate Finance and House Appropriations Committees no later than August 1, 2009 of any conflicts with this regulation and federal law or regulation."

Explanation:

(This language amendment directs the Department of Medical Assistance Services to not enforce this policy which conflicts with new federal guidelines in the Medicare Conditions of Participation for Hospices.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. The Director of the Department of Medical Assistance Services shall not enforce the provisions of § 32.1-351.1. paragraph D. of the Code of Virginia, relating to the definition of employer-sponsored health insurance."

Explanation:

(This amendment prohibits the Director of the Department of Medical Assistance Services from enforcing a provision that allows employers who provide health insurance to employees under the health insurance demonstration project to meet the requirements of being employers that offer employer-sponsored health insurance. This amendment will disallow such employees from qualifying for assistance under Medicaid.)

Chief Patron: Wampler

Item 306 #16s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. Contingent upon the enactment of federal fiscal relief, any unbudgeted amounts of general fund savings which may result from the increase in the federal matching assistance percentage (FMAP) of the Medicaid expenditures shall be used to restore budget reductions in Item 306 (Medicaid). Priority should be given to those items that limit access to services by reducing provider rates and delaying payments."

Explanation:

(This amendment restores any reductions to Medicaid with revenues from enhanced federal Medicaid revenues should federal fiscal relief become law.)

Chief Patron: Barker

Item 306 #17s

Co-Patron(s): Edwards, Lucas, McEachin , Northam,
Petersen, Saslaw, Ticer, Vogel, Wampler

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. Contingent upon the enactment of federal fiscal relief, any unbudgeted amounts of general fund savings which may result from the increase in the federal matching assistance percentage (FMAP) of the Medicaid expenditures shall be used to add funding for 400 mental retardation waiver slots and 67 developmental disability waiver slots on July 1, 2009."

Explanation:

(This amendment restores funding for 200 mental retardation waiver slots eliminated from the current budget, adds 200 additional MR waiver slots and 67 developmental disability waiver from enhanced federal Medicaid revenues should federal fiscal relief become law.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. Contingent upon the enactment of federal fiscal relief, any unbudgeted amount of general fund savings which may result from an increase in the federal matching assistance percentage payments (FMAP) shall be used to restore budget reduction strategies in Item 306 (Medicaid Program Services). In such restorations, priority will be placed on preserving access to needed services by ensuring that: a) rates of payment for items and services covered under the Medicaid state plan, and the methodology underlying the establishment of such rates are, or result in, rates of payment that are no less than such rates as in effect on January 1, 2009; and b) eligibility policies and procedures under the state plan, including waiver programs, are no less restrictive than those in effect on January 1, 2009."

Explanation:

(This amendment restores any reductions to Medicaid with revenues from enhanced federal Medicaid revenues should federal fiscal relief become law. Priority is given to rate and eligibility reductions.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$8,387,500	GF
Services	\$0	\$3,887,500	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,945,362,351".

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 \$8.3 million to the general fund and \$3.9 million in matching federal funds the second year 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. A companion amendment in the Department of Mental Health, Mental Retardation and Substance Abuse Services restores budget language for SEVTC to provide for its continued operation.)

Chief Patron: Blevins

Item 306 #20s

Co-Patron(s): Hanger, Norment, Northam, Quayle,
Stolle, Wagner, Wampler

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance	\$0	\$8,387,500	GF
Services	\$0	\$3,887,500	NGF

Language:

Page 324, line 2, strike "\$5,933,087,351" and insert "\$5,945,362,351".

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 \$8.3 million to the general fund and \$3.9 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. A companion amendment in the Department of Mental Health, Mental Retardation and Substance Abuse Services restores budget language for SEVTC to provide for its continued operation.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. Contingent upon the enactment of federal fiscal relief, any unbudgeted amount of general fund savings which may result from an increase in the federal matching assistance percentage payments (FMAP) shall be used to restore budget reduction strategies in Item 306 (Medicaid Program Services). Priority should be given to those items which limit access to services by reducing provider rates, delaying payment, eliminating Home and Community-based Waiver slots or capping enrollment, converting the actual cost of waiver services comparison which is required for 1915 (c) waivers to an individual cost rather than an average cost of waiver participants."

Explanation:

(This amendment restores any reductions to Medicaid with revenues from enhanced federal Medicaid revenues should federal fiscal relief become law. Priority is given to provider rate changes, reduction or capping of waiver slots and using new cost methodologies for waiver service packages.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 343, after line 50, insert:

"VVV. Contingent upon the enactment of federal fiscal relief, any unbudgeted amount of general fund savings which may result from an increase in the federal matching assistance percentage payments (FMAP) shall be used to restore budget reduction strategies in Item 306 (Medicaid Program Services). Priority should be given to those items which limit access to services by reducing provider rates and delaying payments."

Explanation:

(This amendment restores any reductions to Medicaid with revenues from enhanced federal Medicaid revenues should federal fiscal relief become law. Priority is given to provider rate changes.)

Chief Patron: Houck

Item 309 #1s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Medical Assistance Services	\$0	\$250,000	GF

Language:

Page 344, line 32, strike "\$821,702" and insert "\$1,071,702".

Page 345, line 26, strike "each year" and insert:

"the first year and \$475,000 from the general fund the second year".

Explanation:

(This amendment adds \$250,000 the second year from the general fund to the Uninsured Medical Catastrophe Fund. The current budget provides \$225,000 each year for this purpose, but the funding for FY 2010 has already been allocated in FY 2009 due to increased demand for medical services. Additional funding will be used to address anticipated services the second year.)

Chief Patron: Wampler

Item 311 #1s

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 removes new language related to the reporting of Medicaid expenditures that was included in the proposed budget. Under Virginia law, certain Medicaid providers, including nursing facilities and hospitals, are entitled to yearly inflation adjustments. The proposed budget removed inflation for nursing homes and hospitals. The new language is a policy change that would remove inflation from the Medicaid forecast. This change is flawed because it prevents transparency in budgeting and ignores the legal obligation of the Commonwealth.)

Chief Patron: Houck

Item 311 #2s

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 removes new language related to the reporting of Medicaid expenditures that was included in the proposed budget. Under Virginia law, certain Medicaid providers, including nursing facilities and hospitals, are entitled to yearly inflation adjustments. The proposed budget removed inflation for nursing homes and hospitals. The new language is a policy change that would remove inflation from the Medicaid forecast. This change is flawed because it prevents transparency in budgeting and ignores the legal obligation of the Commonwealth.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Mental Health, Mental Retardation And Substance Abuse Services	\$0	(\$2,100,000)	GF

Language:

Page 349, line 2, strike "\$48,421,510" and insert "\$46,321,510".

Page 355, strike lines 3 through 31.

Explanation:

(This amendment deletes language contained in the introduced budget directing the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to close the Commonwealth Center for Children and Adolescents. The amendment also reduces funding in the department's central office which was transferred from the facility's budget to pay for community acute psychiatric services for indigent children discharged from the CCCA. Companion amendments are provided in items 320 and 322 to restore the funding and allocate it back to the facility for operations.)

Chief Patron: Blevins

Item 315 #2s

Co-Patron(s): Hanger, Norment, Northam, Quayle,
Stolle, Wagner, Wampler

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 355, strike lines 32 through 62.

Explanation:

(This amendment deletes language contained in the introduced budget directing the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to close the Southeastern Virginia Training Center. Companion amendments in items 306 and 327 restore funding and language that allocates funds to this 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 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Mental Health, Mental Retardation And Substance Abuse Services	\$0	\$250,000	GF

Language:

Page 349, line 2, strike "\$48,421,510" and insert "\$48,671,510".

Page 355, after line 62, insert:

"DD.1. Out of this appropriation, \$250,000 the second year is provided to the Health Planning Region (HPR) 5 fiscal agent 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 25 at Eastern State Hospital to the Community Services Boards of HPR 5 for the purpose of providing transitional mental health services to those qualified individuals discharged from the Eastern State Hospital. 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. In the event that the region is unable to develop sufficient services or supports to operate regional programs in Buildings 24 and 25 by June 30, 2010, the Department shall continue to operate state hospital services from those properties until such time as a workable and funded program is in place to transition care of Eastern State Hospital residents to community-based settings.

3. The Department shall support the region in the development of programs and services on the leased property, including physical plant renovation and maintenance, supportive services such as food service, etc., implementation of financial strategies for support of program services and infrastructure, and in gaining cooperation from other state agencies as needed.

4. The HPR 5 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 lease two buildings at Eastern State Hospital to Community Services Boards in Health Planning Region 5 to develop and operate transitional mental health services to individuals discharged from Eastern State Hospital. The amendment provides \$250,000 from the general fund to assist the CSBs in the HPR 5 in planning and implementing the services. The Department is required to provide supportive capital and operating services for the programs and services.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Mental Health, Mental Retardation And Substance Abuse Services	\$0	\$7,597,443	GF

Language:

Page 349, line 2, strike "\$48,421,510" and insert "\$56,018,953".

Page 355, strike lines 3 through 31.

Explanation:

(This amendment deletes language contained in the introduced budget directing the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to close the Commonwealth Center for Children and Adolescents (CCCA). The amendment also restores \$7.6 million the second year to continue operating the adolescent unit at Southwestern Virginia Mental Health Institute in Marion and the CCCA in Staunton. The proposed budget closed this unit and facility, respectively. 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, position levels, and appropriations during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Mental Health, Mental Retardation And Substance Abuse Services	\$0	\$7,597,443	GF

Language:

Page 349, line 2, strike "\$48,421,510" and insert "\$56,018,953".

Page 355, strike lines 3 through 31.

Explanation:

(This amendment restores \$7.6 million the second year to continue operating the adolescent unit at Southwestern Virginia Mental Health Institute in Marion and the Commonwealth Center for Children and Adolescents in Staunton. The proposed budget closed this unit and facility, respectively. 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, position levels, and appropriations during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Mental Health, Mental Retardation And Substance Abuse Services	\$0	\$17,884,943	GF

Language:

Page 349, line 2, strike "\$48,421,510" and insert "\$66,306,453".

Page 355, strike lines 3 through 62.

Explanation:

(This amendment restores \$17.9 million GF the second year to maintain state funding for Southeastern Virginia Training Center in Chesapeake (SEVTC), the Commonwealth Center for Children and Adolescents in Staunton, and the adolescent unit at Southwestern Virginia Mental Health Institute located in Marion. The introduced budget proposed the closure of these facilities or units no later than June 30, 2009. A separate amendment restores funding for the renovation and construction projects at SEVTC and Central Virginia Training Centers in Lynchburg that was diverted in the introduced budget for community-based housing. 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, position levels, and appropriations during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Stolle

Item 315 #7s

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 355, strike line 32 through 62.

Explanation:

(This amendment deletes language contained in the introduced budget directing the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to close the Southeastern Virginia Training Center. Companion amendments in Items 306 and 327 restore funding and language that allocates funds to this 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 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Howell

Item 316 #1s

Health And Human Resources

FY 08-09

FY 09-10

Grants To Localities

\$778,325

\$0 GF

Language:

Page 356, line 30, strike "\$311,461,674" and insert "\$312,239,999".

Explanation:

(This amendment provides \$778,325 from the general fund the first year to prevent the reduction or elimination of Part C services through June 30, 2009 for infants and toddlers with developmental disabilities from birth through age two who are currently enrolled in and served by Part C programs. Services include assessment, parent education, occupational therapy, physical therapy, speech therapy and additional developmental services. Studies conducted by some Community Services Boards demonstrate that 25 to 35 percent of infants and toddlers who receive Part C services do not need special education and can transfer to mainstream classrooms, avoiding huge education and health care costs in future years.)

Health And Human Resources	FY 08-09	FY 09-10	
Grants To Localities	\$0	\$2,700,000	GF

Language:

Page 356, line 30, strike "\$318,567,838" and insert "\$321,267,838".

Explanation:

(This amendment provides \$2.7 from the general fund the second year to fully fund Part C services in fiscal year 2010 for infants and toddlers with developmental disabilities from birth through age two who are currently enrolled in and served by Part C programs and to meet the need for expected referrals. Services include assessment, parent education, occupational therapy, physical therapy, speech therapy and additional developmental services. Studies conducted by some Community Services Boards demonstrate that 25 to 35 percent of infants and toddlers who receive Part C services do not need special education and can transfer to mainstream classrooms, avoiding huge education and health care costs.)

Health And Human Resources	FY 08-09	FY 09-10	
Grants To Localities	\$0	\$2,700,000	GF

Language:

Page 356, line 30, strike "\$318,567,838" and insert "\$321,267,838".

Explanation:

(This amendment provides \$2.7 million from the general fund the second year to fully fund Part C services in fiscal year 2010 for infants and toddlers with developmental disabilities from birth through age two who are currently enrolled in and served by Part C programs and to meet the need for expected referrals. Services include assessment, parent education, occupational therapy, physical therapy, speech therapy and additional developmental services. Studies conducted by some Community Services Boards demonstrate that 25 to 35 percent of infants and toddlers who receive Part C services do not need special education and can transfer to mainstream classrooms, avoiding huge education and health care costs.)

Chief Patron: Whipple

Item 316 #3s

Health And Human Resources

FY 08-09

FY 09-10

Grants To Localities

\$2,300,000

\$5,000,000 GF

Language:

Page 356, line 30, strike "\$311,461,674" and insert "\$313,761,674".

Page 356, line 30, strike "\$318,567,838" and insert "\$323,567,838".

Explanation:

(This amendment provides \$2.3 million GF the first year and \$5.0 million GF the second year to address a shortfall in funding for community services boards to purchase local inpatient mental health treatment services.)

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 seek to expand the use of community medical detoxification and opiate maintenance treatments to divert opioid dependent individuals from jails. The Department shall seek 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 expand the use of community medical detoxification and treatment for individuals with opioid dependence in order to divert them from placement in jails.)

Chief Patron: Howell

Item 316 #5s

Health And Human Resources

FY 08-09

FY 09-10

Grants To Localities

\$0

\$250,000 GF

Language:

Page 356, line 30, strike "\$318,567,838" and insert "\$318,817,838".

Explanation:

(This amendment adds \$250,000 GF the second year for the Regional Older Adult Facilities Mental Health Support Team pilot project. Currently, the project receives \$1.0 million to divert elderly individuals with mental illness from placement in Eastern State Hospital. Funding will be used for a payment differential to address additional per patient costs.)

Chief Patron: Barker

Item 316 #6s

Health And Human Resources

Grants To Localities

Language

Language:

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

Page 363, line 23, strike lines 23 through 27 and insert:

"Beginning July 1, 2009, funding shall be distributed to Community Services Boards based on the per capita populations served by each CSB."

Explanation:

(This language amendment reallocates \$18.0 million GF 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.)

Chief Patron: Hanger

Item 316 #7s

Health And Human Resources

Grants To Localities

Language

Language:

Page 363, after line 59, insert:

"OO. Contingent upon the enactment of federal fiscal relief, any unbudgeted amount of general fund savings which may result from an increase in the federal matching assistance percentage payments (FMAP) shall be used to restore budget reduction strategies in Item 316 (Grants to Localities)."

Explanation:

(This amendment restores any reductions to Community Services Boards with revenues from enhanced federal Medicaid revenues should federal fiscal relief become law.)

Health And Human Resources	FY 08-09	FY 09-10	
Mental Health Treatment Centers	\$0	\$8,318,777	GF
	\$0	\$1,800,000	NGF
	0.00	130.00	FTE

Language:

Page 364, line 43, strike "\$197,020,496" and insert "\$207,139,273".

Page 365, strike line 6 through 9.

Explanation:

(This amendment restores funding and positions to continue operating the Commonwealth Center for Children and Adolescents (CCCA) in Staunton, which was slated for closure in the introduced budget. Language is also eliminated that would have transferred \$2.1 million the second year from the general fund from the facility to the community to provide inpatient mental health services for indigent children previously served by the CCCA. Companion amendments in items 315 and 322 delete language closing the facility, remove the funding in the central office for the community care of CCCA patients and modify language to effect these changes. 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 322.05 and §4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly.)

Health And Human Resources	FY 08-09	FY 09-10	
Mental Health Treatment Centers	\$0	(\$400,000)	GF

Language:

Page 364, line 43, strike "\$197,020,496" and insert "\$196,620,496".

Page 365, line 6, strike "2,100,000" and insert "1,700,000".

Explanation:

(This amendment reduces \$400,000 from a \$2.1 million GF allocation the second year for inpatient mental health services to indigent children previously served by the adolescent units at Southwestern Virginia Mental Health Institute (SWVMHI) at Marion. Because a separate amendment to Item 322 restores funding and position levels for the facility, these services will not be needed for this adolescents. 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 322.05 and §4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Hanger

Item 322 #1s

Health And Human Resources

Mental Health Treatment Centers

Language

Language:

Page 366, line 39, strike "0.00" and insert "130.00".

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 fourth "0" and insert "10,118,777".

Page 366, line 53, strike "808.00" and insert "778.00".

Explanation:

(This amendment restores language allocating funding and positions to continue operating the Commonwealth Center for Children and Adolescents (CCCA) in Staunton, which was slated for closure in the introduced budget. Companion amendments in Items 315 and 320 delete language closing the facility, remove the transfer of funding from the facility to the central office for patient care in the community and add back funds to continue operating the CCCA.)

Chief Patron: Puckett

Item 322 #2s

Co-Patron(s): Houck, Reynolds

Health And Human Resources	FY 08-09	FY 09-10	
Mental Health Treatment Centers	\$0	\$1,378,666	GF
	0.00	28.00	FTE

Language:

Page 366, line 1, strike "\$0" and insert "\$1,378,666".

Explanation:

(This amendment restores \$1.4 million GF the second year to maintain state funding for the adolescent unit at Southwestern Virginia Mental Health Institute located in Marion. The introduced budget proposed the closure of this 16-bed unit by March 1, 2009. Language is also eliminated that would have transferred \$2.1 million the second year from the general fund from the Commonwealth Center For Children and Adolescents (CCCA) to the community to provide inpatient mental health services for indigent children previously served by the CCCA and the Adolescent Unit at SWVMHI. Companion amendments in Items 315 and 322 remove the funding in the central office for the community care of CCCA and Adolescent Unit patients and modify language to effect these changes. 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 322.05 and §4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Blevins

Item 327 #1s

Co-Patron(s): Hanger, Norment, Northam, Quayle,
Stolle, Wagner, Wampler

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 2, strike "63,037,802" and insert "61,112,802".

Page 369, line 2, strike "76,735,731" and insert "74,810,731".

Page 369, line 7, unstrike 448.00.

Page 369, line 8, strike the second "0" and insert "25,001,000".

Page 369, line 8, strike the third "0" and insert "25,001,000".

Page 369, line 11, unstrike "4,390.00".

Page 369, line 12, strike "3,990.00".

Page 369, line 12, strike "42,270,416" and insert "42,270,417".

Page 369, line 12, strike "183,286,507" and insert "206,362,507".

Page 369, line 12, strike "225,680,923" and insert "248,756,924".

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. 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 327.05 and §4-1.08 during the enrollment of HB 1600/ SB 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 2, strike "63,037,802" and insert "61,112,802".

Page 369, line 2, strike "76,735,731" and insert "74,810,731".

Page 369, line 7, unstrike 448.00.

Page 369, line 8, strike the second "0" and insert "25,001,000".

Page 369, line 8, strike the third "0" and insert "25,001,000".

Page 369, line 11, unstrike "4,390.00".

Page 369, line 12, strike "3,990.00".

Page 369, line 12, strike "42,270,416" and insert "42,270,417".

Page 369, line 12, strike "183,286,507" and insert "206,362,507".

Page 369, line 12, strike "225,680,923" and insert "248,756,924".

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. 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 327.05 and §4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Colgan

Item 331 #1s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$0	\$2,542,000	GF

Language:

Page 370, line 47, strike "\$96,757,816" and insert "\$99,299,816".

Explanation:

(This amendment provides \$2.5 million GF the second year to the Long-term Employment Support Services (LTESS/EES) program to address the waiting list for employment assistance. This funding will allow people with severe disabilities to access and maintain employment. The funds will be allocated based on recommendations from an established Steering Committee. These funds are intended to be used solely for long-term employment services.)

Chief Patron: Colgan

Item 331 #2s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$1,257,738	\$1,257,738	GF

Language:

Page 370, line 47, strike "\$96,746,365" and insert "\$98,004,103".

Page 370, line 47, strike "\$96,757,816" and insert "\$98,015,554".

Explanation:

(This amendment restores a 15% reduction or \$1.3 million GF each year to the Long-term Employment Support Services (LTESS/EES) program. This employment program helps Virginians with severe disabilities obtain and maintain employment. The proposed reduction in the introduced budget would eliminate services to 692 individuals with disabilities that were receiving support to maintain their jobs. These funds are intended to be used solely for long-term support services.)

Chief Patron: Colgan

Item 331 #3s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$894,000	\$1,540,000	GF

Language:

Page 370, line 47, strike "\$96,746,365" and insert "\$97,640,365".

Page 370, line 47, strike "\$96,757,816" and insert "\$98,297,816".

Explanation:

(This amendment restores \$894,000 the first year and \$1.5 million the second year from the general fund for one category of employment services for individuals with disabilities currently under Order of Selection. Individuals are served based on the severity of their disability and put on a waiting list if sufficient funds are not available to serve all eligible individuals. Funding will open at least one category of the waiting list and help approximately 1,147 individuals receiving vocational rehabilitation services to get jobs.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$0	\$850,000	GF

Language:

Page 370, line 47, strike "\$96,757,816" and insert "\$97,607,816".

Explanation:

(This amendment provides \$850,000 the second year from the general fund for assistive devices to improve the independence and quality of life of Virginians with disabilities and seniors. Funding will be used to provide reused assistive devices to improve independence, productive living and quality of life to Virginians with Disabilities. In FY 2008, 2,645 Virginians who were uninsured or whose insurance would not provide access to medical equipment needs received necessary reused assistive technology devices and durable medical equipment. These devices would normally be discarded or abandoned. State funding will continue support for the VATNet program that is currently supported with federal funding that is slated to end in October 2009.)

Chief Patron: Hanger

Item 331 #5s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$312,500	\$1,257,738	GF

Language:

Page 370, line 47, strike "\$96,746,365" and insert "\$97,058,865".

Page 370, line 47, strike "\$96,757,816" and insert "\$98,015,554".

Explanation:

(This amendment provides \$312,500 GF the first year and \$1.3 million GF the second year to partially restore reductions for Extended Employment Services (EES) and Long-term Employment Support Services) the first year and fully restore reductions the second year. These programs provide critical support services for approximately 692 working Virginians with disabilities. Community-based Employment Services Organizations (ESOs) provide employment support.)

Chief Patron: Hanger

Item 331 #6s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Rehabilitative Services	\$80,460	\$5,012,180	GF

Language:

Page 370, line 47, strike "\$96,746,365" and insert "\$96,826,825".

Page 370, line 47, strike "\$96,757,816" and insert "\$101,769,996".

Explanation:

(This amendment provides \$80,460 the first year and \$5.0 million the second year from the general fund to re-open funding for the most significantly disabled (MSD) on the waiting list for vocational rehabilitation (VR) services. Since July 2004, the VR program has been under an "order of selection", which is required when there is insufficient funding to serve all eligible individuals seeking services. Individuals are placed in one of four categories ranging from the least to most disabled with priority given to the most significantly disabled. Funding will allow for the MSD category to re-open services.)

Health And Human Resources

Department Of Social Services

Language

Language:

Page 380, after line 14, insert:

"P. The Commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the TANF assistance grant. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees."

Explanation:

(This language amendment requires that a cost of living increase be provided for recipients of cash assistance under the Temporary Assistance for Needy Families (TANF) program in the fiscal year following an increase for state employees. Because the proposed budget does not provide a salary increase for state employees, there is no fiscal impact to this amendment.)

Chief Patron: Colgan

Item 338 #2s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$9,800,000	NGF

Language:

Page 376, line 25, strike "\$293,900,477" and insert "\$303,700,477".

Explanation:

(This amendment provides \$9.8 million from the Temporary Assistance to Needy Families block grant to provide a 10 percent cost-of-living increase to the maximum TANF payment levels. TANF payment levels have been increased only one time since 1985, a 10 percent increase in 2000, while inflation has increased more than 100 percent.)

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$2,400,000	NGF

Language:

Page 376, line 25, strike "\$293,900,477" and insert "\$296,300,477".

Page 380, after line 14, insert:

"P. Out of the amounts for this item, \$2,400,000 in the second year from the Temporary Assistance to Needy Families block grant shall be provided to the Department of Housing and Community Development to implement a pilot project for a rental assistance program."

Explanation:

(This amendment provides \$2.4 million in the second year from the federal TANF block grant for a rental assistance pilot project that would be created under the Department of Housing and Community Development through its existing Homeless Intervention Program sites, minimizing administrative costs and ensuring that funds go directly to families and individuals in need. The purpose of the pilot project is to temporarily fill the gap between family income and the cost of housing for very low income working families, with priority given to families leaving welfare for work and working families and individuals unable to leave shelters due to the difference between their housing budget and area rents. It is estimated that 375 families could be served in the first year of the pilot project. The project would include the requirement for biannual reports from the participating localities in order to evaluate the effectiveness of the program, as well as a final report to the Governor and the Housing Commission on the effectiveness of the pilot project.)

Chief Patron: Houck

Item 338 #4s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$9,800,000	NGF

Language:

Page 376, line 25, strike "\$293,900,477" and insert "\$303,700,477".

Explanation:

(This amendment provides \$9.8 million from the Temporary Assistance to Needy Families block grant to provide a 10 percent cost-of-living increase to the maximum TANF payment levels. TANF payment levels have been increased only one time since 1985, a 10 percent increase in 2000, while inflation has increased more than 100 percent.)

Chief Patron: Colgan

Item 338 #5s

Co-Patron(s): Ticer

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$567,000	NGF

Language:

Page 376, line 25, strike "\$293,900,477" and insert "\$294,467,477".

Explanation:

(This amendment provides funding the second year for the provision of cash assistance through the Temporary Assistance to Needy Families (TANF) program to individuals who would be eligible for such assistance but for a conviction of a felony offense of possession of a controlled substance in violation of § 18.2-250, *Code of Virginia* . While federal TANF legislation bars assistance to such persons, the federal law does permit states to opt out of this provision. Thirty-four states have opted out of this provision and provide TANF to eligible recipients. Funding is contingent upon the passage of Senate Bill 782.)

Chief Patron: Whipple

Item 341 #1s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$600,000	GF

Language:

Page 382, line 41, strike "\$46,418,906" and insert "\$47,018,906".

Explanation:

(This amendment provides additional funding of \$600,000 for victims of sexual and domestic violence. Funding is contingent upon the passage of SB 1429 that proposes to increase the marriage license fee from the current fee of \$30 to \$45. Of this amount, \$10.00 will be allocated for additional services and \$5.00 will be deposited to the general fund, estimated to be \$300,000.)

Chief Patron: Wampler

Item 341 #2s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$3,515,160	GF

Language:

Page 382, line 41, strike "\$46,418,906" and insert "\$49,934,066".

Page 383, strike "1,112" and insert "1,167".

Explanation:

(This amendment provides \$3.5 million GF the second year for a \$55 monthly increase in the Auxiliary Grant Program, increasing the maximum payment to \$1,167.)

Chief Patron: Wampler

Item 344 #1s

Health And Human Resources

Department Of Social Services

Language

Language:

Page 388, line 25, strike "the first" and insert "each".

Explanation:

(This amendment restores funding for the Bristol-Washington County Children's Advocacy Center from the federal TANF block grant.)

Chief Patron: Wampler

Item 344 #2s

Health And Human Resources

Department Of Social Services

Language

Language:

Page 388, line 31, strike "the first" and insert "each".

Explanation:

(This amendment restores funding for the Lenowisco Children's Advocacy Center from the federal TANF block grant.)

Chief Patron: Ruff

Item 344 #3s

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

Language:

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

Page 387, line 25, strike "the first" and insert "each".

Explanation:

(This amendment restores \$100,000 GF the second year for Tri-County Community Action Agency to ensure that adequate resources are available in Charlotte and Mecklenburg Counties to provide appropriate services. Additional state funding was not provided to these jurisdictions despite their addition to the Tri-County organization and changes to the statewide Community Action Agency funding formula appear unlikely to remedy the disparity.)

Chief Patron: Ruff

Item 344 #4s

Health And Human Resources

Department Of Social Services

Language

Language:

Page 387, line 25, strike "the first" and insert "each".

Page 387, line 29, after the period, insert:

"Beginning July 1, 2009, general fund support for Tri-County Community Action Agency shall come from a pro rata reduction of funding provided to existing community action agencies."

Explanation:

(This amendment restores \$100,000 GF the second year for Tri-County Community Action Agency by reducing funding for all other community action agencies. Additional state funding was not provided to these jurisdictions despite their addition to the Tri-County organization and changes to the statewide Community Action Agency funding formula appear unlikely to remedy the disparity.)

Chief Patron: Howell

Item 344 #5s

Co-Patron(s): Colgan, Miller Y.B., McEachin ,
Wampler, Puller, Ticer, Whipple, Norment, Reynolds

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$1,500,000	NGF

Language:

Page 386, line 25, strike "\$45,784,860" and insert "\$47,284,860".

Page 389, after line 48, insert:

"Q. Out of this appropriation, \$1,500,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the Virginia Alliance for Boys & Girls Clubs to deliver services to TANF-eligible populations at more than 100 club sites across Virginia. These funds shall be matched on a one-to-one basis by the Virginia Alliance."

Explanation:

(This amendment provides \$1.5 million from the federal TANF block grant to be matched dollar for dollar by the Alliance for Boys and Girls Clubs for the prevention of truancy and drop-outs, targeted after-school services to foster children and homeless children, and improvements in academic achievement of at-risk children.)

Chief Patron: Edwards

Item 344 #6s

Health And Human Resources	FY 08-09	FY 09-10	
Department Of Social Services	\$0	\$218,500	GF

Language:

Page 386, line 25, strike "\$45,784,860" and insert "\$46,003,360".

Page 287, line 3, strike "\$218,500" and insert \$437,000".

Explanation:

(This amendment provides \$218,500 GF the second year funding to support and expand efforts through the Virginia Community Action Partnership to help eligible Virginia citizens to claim the federal Earned Income Tax Credit (EITC) on their federal tax returns through the Virginia Earned Income Tax Coalition.)

Health And Human Resources

Department Of Social Services

Language

Language:

Page 392, line 8, after the period, 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.)

Health And Human Resources

Department Of Social Services

Language

Language:

Page 395, after line 48, insert:

"349.10. Office of the Children's Ombudsman	\$100,000	\$314,492
Fund Sources: General	\$100,000	\$314,492."
"Protective Services (45300).	\$100,000	\$314,492
Protection and Advocacy (45307).	\$100,000	\$314,492"

Explanation:

(This amendment provides funding and positions for the creation of an Office of the Children's Ombudsman as an executive branch agency to provide ombudsman services, including investigation of complaints, advocacy and the provision of information for children, parents and citizens involved with child-serving agencies. The ombudsman would be appointed by the Governor and would be required to report to the Governor, General Assembly and the Commission on Youth. This amendment is contingent upon the passage of SB 832 creating the office.)

Chief Patron: Quayle

Item 361 #1s

Natural Resources

FY 08-09

FY 09-10

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 "first year" insert "and \$392,574 the second year".

Explanation:

(This amendment provides the second year appropriation for the Chesapeake Bay Restoration Fund, which contains special funds derived from the purchase of "Friend of the Chesapeake" license plates. The funds are to be provided for grants for Chesapeake Bay restoration efforts pursuant to the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.)

Chief Patron: Hanger

Item 361 #2s

Natural Resources

Department Of Conservation And
Recreation

Language

Language:

Page 405, line 7, after "collections." insert:

"Notwithstanding any other provision of 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 best management practices cost share program as was authorized by Item 358.N of Chapter 847, 2007 Acts of Assembly."

Explanation:

(This amendment authorizes the Department of Conservation and Recreation to utilize a portion of the statutorily required deposit to the Water Quality Improvement Fund to be used to continue the project to update SWCD computer systems to track implementation of the agricultural BMP cost share program.)

Natural Resources	FY 08-09	FY 09-10	
Department Of Conservation And Recreation	\$0	\$2,510,000	GF

Language:

Page 407, line 12, strike "\$5,652,098" and insert "\$3,142,098".

Explanation:

(This amendment restores operational funding for each of the 47 local soil and water conservation districts. Cumulative budget reductions, including an additional 8 percent reduction in the introduced budget, have reduced support to \$66,600 for each district, which takes funding to below 1999 levels. This amendment would restore the budget for each district office to \$120,000, which is the minimum amount each office needs to maintain required service delivery. 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 361 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Hanger

Item 364.05 #2s

Natural Resources

Department Of Conservation And
Recreation

FY 08-09

\$1,100,000

FY 09-10

\$1,100,000 GF

Language:

Page 407, line 12, strike "\$5,055,106" and insert "\$3,955,106".

Page 407, line 12, strike "\$5,652,098" and insert "\$4,552,098".

Explanation:

(This amendment restores approximately 50% of the reductions for State Park Management and Operations proposed in the Governor's introduced 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 362 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

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.)

Chief Patron: Vogel

Item 368 #2s

Natural Resources

Department Of Environmental
Quality

Language

Language:

Page 410, after line 33, insert:

"G. Notwithstanding any other provision of law, upon commencement of construction of state of the art nutrient removal technology pursuant to the second Water Quality Improvement Fund grant agreement executed for the Opequon Water Reclamation Facility, annual nutrient discharges from this facility shall be limited to 153,422 pounds of total nitrogen and 11,512 pounds of phosphorus based on the 12.6 million gallon per day capacity constructed pursuant to the first grant agreement."

Explanation:

(This amendment is self-explanatory.)

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.)

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.)

Chief Patron: Quayle

Item 369.05 #1s

Natural Resources	FY 08-09	FY 09-10	
Department Of Environmental Quality	\$0 0.00	\$100,000 1.00	GF FTE

Language:

Page 411, line 11, strike "\$4,936,486" and insert "\$4,836,486".

Explanation:

(This amendment restores funding for one position in the Department's Hampton Roads office for the purpose of reviewing compliance with the Hampton Roads Special Order of Consent dated September 26, 2007. 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 368 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Chief Patron: Marsh

Item 374 #1s

Natural Resources

FY 08-09

FY 09-10

Department Of Historic Resources

\$750,000

\$0 GF

Language:

Page 413, line 15, strike "\$10,373,001" and insert "\$11,123,001".

Page 415, after line 39 insert:

"L. Included in these amounts if \$750,000 the first year for the design, fabrication and installation of the "Massive Resistance" Gallery of the Moton 2011 Permanent Exhibition at the Robert Russa Moton Museum in Farmville."

Explanation:

(This amendment provides funding for the Commonwealth's only National Historic Landmark site-based Civil Rights Era museum. The Permanent Exhibition will tell the story of Prince Edward County's thirteen-year struggle (1951-1964) for Civil Rights in Education, a struggle which forever changed America's educational system.

Chief Patron: Watkins

Item 374 #2s

Natural Resources

FY 08-09

FY 09-10

Department Of Historic Resources

\$0

\$55 GF

Language:

Page 413, line 15, strike "\$5,507,197" and insert "\$5,507,252".

Explanation:

(This amendment provides funding for maintenance of eleven confederate graves at the Skinquarter Baptist Church in Moseley, Virginia. Pursuant to §10.1-2211, the Commonwealth pays \$5 annually to maintain each grave.)

Chief Patron: Puckett

Item 387 #1s

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	\$0	\$200,000	GF
	5.00	5.00	FTE

Language:

Page 425, line 4, strike "\$87,363,009" and insert "\$87,563,009".

.

Page 426, following line 12, insert:

"G. It is the intent of the General Assembly that the restoration of \$200,000 for the Black Diamond Day Reporting program in Tazewell County shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in this Item and in Section 4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly."

Explanation:

(This amendment restores \$200,000 from the general fund the second year and five positions each year for the Black Diamond Day Reporting Center in Tazewell County.)

Chief Patron: Houck

Item 388 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 427, following line 34, insert:

"m. The Central Virginia Regional Jail Authority, in order to proceed in planning for an expansion of the regional jail."

Explanation:

(This amendment authorizes the Board of Corrections to consider a proposal from the Central Virginia Regional Jail Authority for an expansion of the regional jail located in Orange County.)

Chief Patron: Colgan

Item 388 #2s

Co-Patron(s): Watkins

Public Safety

Department Of Corrections

Language

Language:

Page 429, following line 14, insert:

"H. In order to equitably reimburse local governments for the costs of managing local and regional jail projects, the Board of Corrections shall amend Standard 2.9.K.3.e of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to provide for the reimbursement of the State share of salaries and fringe benefit costs of local government employees whose sole responsibility is the oversight and management of capital construction projects by June 30, 2010. Such costs shall be reimbursable in the same manner as other eligible costs authorized by the Board of Corrections for such local or regional jail project. It is the intent of the General Assembly that this provision shall be retroactive to all local and regional jail projects that were completed on or after July 1, 2008."

Explanation:

(This amendment closes a loophole in the Board of Corrections standards authorizing reimbursement of the State share of project and construction management costs for the construction of local and regional jails, when contracted out to the private sector, but not for the same type of costs when responsibility for project and construction management rests with local government employees employed for that specific purpose.)

Chief Patron: Hanger

Item 390 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 433, following line 8, insert:

"5. The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Virginia Supreme Court, shall develop a plan for a broad based network of drug courts throughout the Commonwealth and an extensive network of reentry/therapeutic community substance abuse treatment programs through public/private partnerships."

Explanation:

(This amendment is self-explanatory.)

Chief Patron: Petersen

Item 390 #2s

Public Safety

Department Of Corrections

Language

Language:

Page 433, following line 8, insert:

"K. No funds are required to be deposited into the Corrections Special Reserve Fund to cover the projected state prison bed space impact of Senate Bill 1136, as introduced in the 2009 session of the General Assembly, as determined in accordance with Section 30-19.1:4, Code of Virginia."

Explanation:

(This amendment specifies that no additional funds are required to be deposited into the Corrections Special Reserve Fund to reflect the fiscal impact of Senate Bill 1136.)

Public Safety

Department Of Corrections

Language

Language:

Page 433, following line 8, insert:

"K.1. The Department of Corrections and the Supreme Court shall develop procedures that may incorporate the use of medication assisted treatment services in conjunction with any intensive therapeutic community-style substance abuse treatment program to appropriately access medications to manage and treat opioid addiction. In addition, the department shall examine the use of these medication assisted treatments within the pre-sentencing, probation and parole phases of opioid dependent offenders.

2. The department shall collect and evaluate data on the availability and use of community medical detoxification and opiate maintenance treatment services of opioid dependent offenders. As part of this evaluation, the department may conduct a demonstration project to evaluate the impact of medication assisted treatment on recidivism and its financial impact to the state."

Explanation:

(This amendment is self-explanatory.)

Chief Patron: Hurt

Item 390 #4s

Public Safety

Department Of Corrections

Language

Language:

Page 433, following line 8, insert:

"K. 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 consisting of 26 acres 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."

Explanation:

(This amendment authorizes the Department of Corrections to transfer certain property at the Chatham Diversion Center to the County of Pittsylvania. This amendment is contingent upon final passage of Senate Bill 1312.)

Chief Patron: Hanger

Item 391.05 #1s

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	\$972,000	\$3,125,700	GF

Language:

Page 437, line 4, strike "\$15,940,349" and insert "\$14,968,349".

Page 437, line 4, strike "\$44,833,624" and insert "\$41,707,924".

Page 437, line 11, following "act." 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 391.05 and Section 4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly."

Explanation:

(This amendment restores funding for transitional therapeutic communities, including Gemeinschaft House and Rubicon.)

Chief Patron: Stolle

Item 391.05 #2s

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	\$15,940,349	\$44,833,624	GF

Language:

Page 437, line 4, strike "\$15,940,349" and insert "\$0".

Page 437, line 4, strike "\$44,833,624" and insert "\$0".

Page 437, strike lines 8 through 11 and 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 391.05 and Section 4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly."

Explanation:

(This amendment restores the general fund budget reductions to the Department of Corrections.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 439, line 15, after "may approve" insert "(i)".

Page 439, line 20, after "Academy" insert:

"; and (ii) a new academy for Hanover County, to be supported with local funds, consistent with the agreement dated October 17, 2008, by and between the Board of Supervisors of Hanover County, the Sheriff of Hanover County, and the Rappahannock Regional Criminal Justice Academy."

Explanation:

(This amendment authorizes the Board of Criminal Justice Services to approve a new criminal justice training academy for Hanover County. It is the intention of the General Assembly that no state funds be provided for the operating expenses for the new academy serving Hanover County.)

Chief Patron: Deeds

Item 397 #1s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	\$0	\$1,500,000	GF

Language:

Page 441, line 23, strike "\$190,651,745" and insert "\$192,151,745".

Page 442, 32, after "the first year" insert "and \$1,500,000 the second year".

Page 442, line 37, after "750,000" insert "each year".

Page 442, line 40, after "750,000" insert "each year".

Explanation:

(This amendment provides \$1,500,000 from the general fund the second year for the Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces.)

Public Safety	FY 08-09	FY 09-10	
Department Of Juvenile Justice	\$765,100	\$1,530,188	GF

Language:

Page 448, line 24, strike "\$5,437,896" and insert "\$6,202,996".

Page 448, line 24, strike "\$5,437,896" and insert "\$6,968,084".

.

Page 426, following line 12, insert:

"It is the intent of the General Assembly that the restoration of \$765,100 the first year and \$1,530,188 the second year for the Virginia Wilderness Institute in Buchanan County shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in this Item and in Section 4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly."

Explanation:

(This amendment restores \$765,100 the first year and \$1,530,188 the second year from the general fund for the Virginia Wilderness Institute in Buchanan County.)

Chief Patron: Hurt

Item 416 #1s

Public Safety

Department Of Military Affairs

Language

Language:

Page 454, at the beginning of line 10, insert "A."

Page 454, following line 12, insert:

"B. The Department of Military Affairs is authorized to convey to the County of Campbell, upon terms and conditions the Department deems proper, with the approval of the Governor and in a form approved by the Attorney General, the land and property of the Altavista armory, pursuant to Senate Bill 1310 of the 2009 General Assembly."

Explanation:

(This amendment authorizes the Department of Military Affairs to transfer certain property at the Altavista armory to the County of Campbell. This amendment is contingent upon final passage of Senate Bill 1310.)

Chief Patron: Howell

Item 419 #1s

Public Safety

Department Of State Police

Language

Language:

Page 456, following line 52, insert:

"I. The Superintendent of State Police is authorized to and shall establish a reasonable fee for the bulk transmission of information from the Sex Offender Registry to an entity that has a valid contract with any local, state, or federal law-enforcement agency. Any fees collected shall be deposited into a special account to be used to offset the costs of administering the Registry."

Explanation:

(This amendment authorizes the Department of State Police to establish a fee to offset the costs of transmitting information from the Sex Offender Registry.)

Chief Patron: Reynolds

Item 420 #1s

Public Safety	FY 08-09	FY 09-10	
Department Of State Police	\$0	\$210,560	GF
	0.00	1.00	FTE

Language:

Page 456, line 55, strike "\$225,628,859" and insert "\$225,839,419".

Explanation:

(This amendment provides \$210,560 the second year from the general fund and one FTE position to split the State Police Area Office 40 into two area offices. The first office is intended to serve Montgomery and Floyd Counties and the second office is intended to serve Roanoke and Craig Counties. The requested funding includes salary and benefits for one new First Sergeant, a new state police vehicle, law enforcement equipment, supplies and uniforms, and \$33,600 for leased office space.)

Public Safety	FY 08-09	FY 09-10
Department Of Veterans Services	\$50,000	\$0 GF

Language:

Page 461, line 22, strike "\$6,232,901" and insert "\$6,282,901".

Page 462, line 9, strike "50,000" and reinsert "100,000".

Page 462, line 11, after "TurboVet program." insert:

"It is the intent of the General Assembly that the restoration of \$50,000 for the TurboVet program shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in this Item and in Section 4-1.08 during the enrollment of HB 1600/SB 850, as adopted by the 2009 General Assembly."

Explanation:

(This amendment restores \$50,000 from the general fund the first year for testing the TurboVet automated claims system.)

Chief Patron: Edwards

Item 426 #1s

Public Safety

FY 08-09

FY 09-10

Department Of Veterans Services

\$0

\$286,000 GF

Language:

Page 462, line 13, strike "\$1,106,447" and insert "\$1,392,447".

Explanation:

(This amendment provides \$286,000 from the general fund the second year for the installation of burial vaults, at no charge to the deceased veterans' families, at the Albert G. Horton, Jr. Memorial Cemetery and the Virginia Veterans Cemetery at Amelia County.)

Chief Patron: Wagner

Item 430.05 #1s

Technology	FY 08-09	FY 09-10	
Innovative Technology Authority	\$55,000	\$55,000	GF

Language:

Page 465, line 43, strike "\$551,459" and insert "\$496,459".

Page 465, line 43, strike "\$959,627" and insert "\$904,627".

Page 465, line 33, strike "\$125,000" and insert "\$180,000".

Page 465, line 34, after "and" strike "\$125,000" and insert "\$180,000".

Explanation:

(This amendment partially restores proposed reductions to the Virginia Electronic Commerce Technology Center in the Innovative Technology Authority. 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 430.05 and § 4-1.08 during the enrollment of HB 1600/ SB 850, as adopted by the 2009 General Assembly.)

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 469, strike lines 5 through 56.

Page 470, strike lines 1 through 57.

Page 471, strike lines 1 through 12.

Page 469, following 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 a division under this program. The division shall be referred to as the Enterprise Development Services Division.

2. Effective July 1, 2009, the service areas for Procurement and Contracting Services and Web Development and Support Services will cease under the Administrative and Support Services program and all activities will operate under this program.

3. Effective July 1, 2009, the amounts provided in the Enterprise Development Services subprogram of this Item include funding for projects previously under the Virginia Enterprise Applications Program Office (VEAP), however, the Information Technology Investment Board will not budget any amounts for this Item 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.

4.a. Effective July 1, 2009, the Commonwealth Chief Applications Officer and the Deputy Chief Information Officer (DCIO) for applications and contract services is established. The Deputy Chief Information Officer/Chief Applications Officer (DCIO/CAO) shall head the Enterprise Development Services Division and DCIO/CAO responsibilities as provided in this item shall include but are not limited to: (a) data management including data standards; (b) application portfolio management; (c) application support services for agencies; (d) policy, practice and architecture; (e) IT project management oversight; (f) procurement and contracting services; (g) approval and oversight for agency application IT expenditures; (h)

Commonwealth portal management; and (i) customer account management.

b. The DCIO/CAO, formerly the VEAP Office director, was selected by the Governor to serve under a six-year contract, and the Information Technology Investment Board shall honor the existing contract. The Information Technology Investment Board shall consult with the Governor, before hiring any future DCIO/CAO candidates under a six-year contract.

c. The Governor shall vest in the DCIO/CAO all the powers necessary to direct the Commonwealth's efforts to modernize and oversee the planning, development, implementations, improvements and retirements of agency applications; to include the authority to hire staff necessary to support the DCIO/CAO responsibilities. The DCIO/CAO shall advise the Governor of the progress of these projects and the other matters set forth below. For management oversight and administration the DCIO/CAO shall report to the Chief Information Officer and the Information Technology Investment Board, who with the Governor's consultation, shall evaluate the DCIO/CAO performance.

5.a. Agencies and institutions shall comply with the directives and requirements established by the DCIO/CAO.

b. On July 1 and January 1 of each year, the DCIO/CAO shall report and recommend to the Chief Information Officer and the Information Technology Investment Board, the processes reviewed and the data standards established which merit adoption as part of § 2.2-2458, Code of Virginia. All agencies and institutions shall cooperate with the DCIO/CAO in implementing the data standards, managing and modernizing the application portfolio, developing the enterprise architecture, and improving portal collaboration. The DCIO/CAO shall report, every six months to the Governor and the Information Technology Investment Board, progress in these areas and any agencies and institutions that have not cooperated with the implementation.

c. The DCIO/CAO shall facilitate and collaborate with agencies to provide necessary, efficient and secure business functionality and enhancements which assist agencies in the execution of their business processes and requirements.

d. For agencies whose enterprise applications management efforts are the responsibility of the DCIO/CAO, the DCIO/CAO shall have responsibility for operational decisions relative to the enterprise applications efforts.

6. Legislative, judicial, independent agencies, and institutions of higher education shall work cooperatively with the DCIO/CAO.

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 DCIO/CAO. Such agency commitments shall be detailed in the DCIO/CAO's 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 program 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 DCIO/CAO shall inform the Governor, the Chairmen of the House Appropriations, House Finance, 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."

Explanation:

(This amendment improves 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 Deputy Chief Information Officer/Chief Applications Officer (DCIO/CAO), 2.) clarifying the nature of the reporting requirements for the DCIO/CAO; and 3). prohibiting the use of VITA general overhead funding for the operations of the Virginia Enterprise Applications Program Office.)

Chief Patron: Hanger

Item 443 #1s

Transportation

Department Of Motor Vehicles

Language

Language:

Page 481, line 39, strike "B." and insert "B.1."

Page 481, following line 47, insert

"2. It is the intent of the General Assembly that no State funds shall be expended to bring Virginia into compliance with the provisions of the federal Real ID Act."

Explanation:

(This amendment prohibits any State funds from being used to bring Virginia into compliance with the provisions of the federal Real ID Act.)

Chief Patron: Vogel

Item 443 #2s

Transportation

Department Of Motor Vehicles

Language

Language:

Page 481, line 39, strike "B." and insert "B.1."

Page 481, following line 47, insert

"2. It is the intent of the General Assembly that no State funds shall be expended to bring Virginia into compliance with the provisions of the federal Real ID Act."

Explanation:

(This amendment prohibits any State funds from being used to bring Virginia into compliance with the provisions of the federal Real ID Act.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 486, following line 18, insert

"F. Notwithstanding any other provision of law, it is the intent of the General Assembly that the share of Mass Transit Operating Assistance Funds within the Commonwealth Mass Transit Fund be increased to 81.06 percent beginning July 1, 2008 and 82.12 percent beginning July 1, 2009. Subsequently, the share of funding for the Mass Transit Capital Assistance Fund in the Commonwealth Mass Transit Fund shall be reduced to 17.44 percent beginning July 1, 2008 and 16.38 percent beginning July 1, 2009."

Explanation:

(This amendment increases allocations to Mass Transit Operating Assistance Fund within the Commonwealth Mass Transit Fund to maintain operating funding at levels in the current Six Year Improvement Plan. The current funding distribution is 73.5 percent for Operating Assistance and 25 percent for Capital Assistance. The amendment does not allocate new funding to the Mass Transit Fund.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 486, following line 18, insert

"F. Included within the funds appropriated for Public Transportation Programs is \$15,000,000 in the second year for acquisition of right-of-way owned by the Norfolk Southern Corporation located between Newtown Road and the Oceanfront in the City of Virginia Beach. In addition to these funds, and not included in this appropriation, the Department is authorized to provide \$10,000,000 in funding pursuant to Item 459 H of this Act and set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007. Prior to the expenditure of funding appropriated within this Item the Department shall have a commitment for \$10,000,000 in additional funding from the City of Virginia Beach."

Explanation:

(This amendment provides \$15 million in the second year from Mass Transit Funds within the Public Transportation Program administered by the Department of Rail and Public Transportation for the acquisition of right-of-way currently owned by the Norfolk Southern Corporation. In addition, \$10 million initially allocated for this acquisition as part of the 2007 transportation initiative is recommitted to the project. Receipt of these funds for acquisition of right-of-way related to the extension of the Hampton Roads light rail project is contingent upon the commitment of \$10 million in additional funding from the City of Virginia Beach. The amendment does not allocate new funding to the Mass Transit Fund.)

Transportation	FY 08-09	FY 09-10
Department Of Rail And Public Transportation	\$44,000,000	\$0 GF

Language:

Page 486, line 19, strike "\$42,916,432" and insert "\$86,916,432".

Page 486, following line 57, insert

"C. There is hereby appropriated \$44,000,000 from the general fund in the first year for the construction of a 2,000 space parking facility to serve the Manassas Park Virginia Railway Express (VRE) station. It is the intent of the General Assembly that this structure is built in compliance with LEED Gold Certification standards. Any funding balances remaining on June 30, 2009 shall not revert to the general fund but shall be reappropriated to this project."

Explanation:

(This amendment provides \$44 million from the general fund in the first year for the construction of a 2,000 space parking garage adjacent to the Manassas Park VRE station. The facility would be constructed to LEED Gold Certification levels.)

Chief Patron: Wampler

Item 450 #2s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 486, following line 57, insert

"C. It is the intent of the General Assembly that no Commonwealth Transportation Funds shall be allocated for funding the construction of any segment of the TransDominion Express, or like project, until such time as funding for all sections of the corridor from Bristol to Washington D.C/Richmond is included within the Statewide Rail Plan."

Explanation:

(This amendment prohibits the incremental funding of sections of the TransDominion Express until such time as funding for construction of the entire corridor is established.)

Transportation

Department Of Transportation

Language

Language:

Page 490, following 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.)

Chief Patron: Watkins

Item 455 #2s

Transportation

Department Of Transportation

Language

Language:

Page 490, following line 45, insert

"I. Notwithstanding any other provision of law, it is the intent of the General Assembly that implementation of regulations established pursuant to Chapter 527, *Virginia Administrative Code* , shall be delayed until July 1, 2014."

Explanation:

(This amendment delays implementation of the traffic impact analysis requirements of current Department of Transportation land use and planning regulations for five years.)

Chief Patron: Colgan

Item 475.2 #1s

Central Appropriations

FY 08-09

FY 09-10

Central Appropriations

\$0

(\$6,000,000) GF

Language:

Page 527, line 26, strike "\$50,000,000" and insert "\$56,000,000".

Explanation:

(This amendment reduces state aid to localities by \$6.0 million GF the second year. a companion amendment to Part III deletes language that would have changed the distribution of Clerks' excess fees.)

Chief Patron:

Item 493 #1s

Co-Patron(s): Colgan, Deeds, Edwards, Howell, Hurt,
Norment, Northam, Puller, Quayle

Nonstate Agencies	FY 08-09	FY 09-10	
State Grants to Nonstate Entities-Nonstate Agencies	\$1,825,000	\$2,133,129	GF

Language:

Page 538, line 4, strike "\$0" and insert "\$1,825,000".

Page 538, line 4, strike "\$0" and insert "\$2,133,129".

Page 538, after line 41, insert:

<u>Non-state agency</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>Patron</u>
4-H Educational Conference Center - W.E. Skelton (Smith Mountain)	\$475,000		Hurt
Bridging Boundaries International		\$100,000	Norment
Blue Ridge Zoological Society of Virginia, Inc.		\$100,000	Edwards
Compte de Grasse Chapter, Daughters of the American Revolution		\$4,969	Norment
Epilepsy Foundation of Virginia	\$100,000	\$100,000	Northam
Fine Arts Center for the New River Valley		\$100,000	Edwards
Georgetown South Community Center, to Northern Virginia Family Service for Historical Society of Western Virginia		\$100,000	Colgan
		\$50,000	Edwards
Jefferson Center Foundation, Ltd.		\$113,160	Edwards
National Rehabilitation & Rediscovery Foundation, Inc.		\$350,000	Howell
Oakland: Nelson County Museum of History		\$40,000	Deeds
Opera Roanoke		\$60,000	Edwards
Phoenix Star Clubhouse		\$165,000	Edwards
Roanoke Symphony Orchestra		\$100,000	Edwards
Science Museum of Western Virginia		\$250,000	Edwards
Special Olympics of Virginia, Inc.		\$100,000	Puller

Western Virginia Foundation for the Arts and Sciences (Center in the Square)	\$1,250,000		Edwards
Virginia High School League		\$150,000	Quayle
Wolf Trap Foundation for the Performing Arts		\$250,000	Howell
Totals	\$1,825,000	\$2,133,129	

Explanation:

(This amendment provides funding for grants to non-state entities as listed.)

Chief Patron: Miller J.C.

Item C-14.90 #1s

Education: Higher Education

Christopher Newport University

Language

Language:

Page 549, following line 37, insert:

"Christopher Newport University is authorized to retain 100 percent of the proceeds from the sale of real property at 812 Riverside Drive in Newport News, Virginia and to use those proceeds to acquire real property previously approved by the University's Board of Visitors."

Explanation:

(This amendment is self explanatory.)

Chief Patron: Miller J.C.

Item C-14.90 #2s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$3,035,000 NGF

Language:

"C-14.90. New Construction: Library/
Information Technology Center

\$3,035,000

Fund Sources: Bond Proceeds

\$3,035,000".

Explanation:

(This amendment provides \$3.0 million from nongeneral fund supported bond proceeds for construction of the Library/Information Technology Center at Christopher Newport University.)

Chief Patron: Miller J.C.

Item C-14.90 #3s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$4,000,000 NGF

Language:

"C-14.90. New Construction: Construct
Alumni House

\$4,000,000

Fund Sources: Bond Proceeds

\$4,000,000".

Explanation:

(This amendment provides \$4.0 million from nongeneral fund supported bond proceeds for construction of an alumni house at Christopher Newport University.)

Chief Patron: Miller J.C.

Item C-14.90 #4s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$17,862,000 GF

Language:

"C-14.90. New Construction: Integrated
Science Center, Phase II

\$17,862,000

Fund Sources: General

\$17,862,000".

Bond Proceeds

Explanation:

(This amendment provides \$17.9 million from VCBA bond proceeds for construction of the Integrated Science Center, Phase II at Christopher Newport University.)

Chief Patron: Miller J.C.

Item C-14.90 #5s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$1,500,000 GF

Language:

"C-14.90. New Construction: Storm Water
Infrastructure

\$1,500,000

Fund Sources: General

\$1,500,000".

Explanation:

(This amendment provides \$1.5 million GF the second year for construction of storm water infrastructure at Christopher Newport University.)

Chief Patron: Miller J.C.

Item C-14.90 #6s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$2,400,000 GF

Language:

"C-14.90. Planning: New Academic Hall

\$2,400,000

Fund Sources: General

\$2,400,000".

Explanation:

(This amendment provides \$2.4 million GF the second year to plan for construction of a new academic hall at Christopher Newport University.)

Chief Patron: Miller J.C.

Item C-14.90 #7s

Education: Higher Education

FY 08-09

FY 09-10

Christopher Newport University

\$0

\$3,095,000 GF

Language:

"C-14.90. New Construction: Construct
University Entrance, Interior Road, and
Infrastructure

Fund Sources: Higher Education Operating
Bond Proceeds

Explanation:

(This amendment provides \$3.1 million NGF for construction of the university entrance, an interior road, and infrastructure at Christopher Newport University.)

Chief Patron: Norment

Item C-19.11 #1s

Education: Higher Education

FY 08-09

FY 09-10

The College Of William And Mary
In Virginia

\$0

\$5,300,000 GF

Language:

"C-19.11. Planning: Integrated Science
Center 3

\$5,300,000

Fund Sources: General

\$5,300,000".

Explanation:

(This amendment provides \$5.3 million GF the second year to plan for construction of the Integrated Science Center 3 at the College of William and Mary.)

Chief Patron: Norment

Item C-19.11 #2s

Education: Higher Education

FY 08-09

FY 09-10

The College Of William And Mary
In Virginia

\$0

\$11,020,000 GF

Language:

"C-19.11. Improvements: Renovate Tucker
Hall

\$11,020,000

Fund Sources: General

\$11,020,000".

Explanation:

(This amendment provides \$11.0 million GF the second year for renovation of Tucker Hall at the College of William and Mary.)

Chief Patron: Colgan

Item C-36.1 #1s

Education: Higher Education

George Mason University

Language

Language:

Notwithstanding any other provision of law, the Director, Department of Planning and Budget, shall transfer \$11,00,000 of the amount appropriated to the Science Museum of Virginia, for construction of the Belmont Bay Science Center to project 17634 (George Mason University, New Construction: Belmont Bay Science Center).

Explanation:

(This amendment transfers funding for construction of the Belmont Bay Science Center from the Science Museum of Virginia to George Mason University.)

Chief Patron: Puller

Item C-36.1 #2s

Education: Higher Education

George Mason University

Language

Language:

Notwithstanding any other provision of law, the Director, Department of Planning and Budget, shall transfer \$11,00,000 of the amount appropriated for project xxxx, (Science Museum of Virginia, Belmont Bay Science Center) to project 17634 (George Mason University, New Construction: Belmont Bay Science Center).

Explanation:

(This amendment transfers funding for construction of the Belmont Bay Science Center from the Science Museum of Virginia to George Mason University.)

Chief Patron: Colgan

Item C-36.55 #1s

Education: Higher Education

George Mason University

FY 08-09

\$0

FY 09-10

\$3,550,000 GF

Language:

Page 554, line 28, strike "\$5,000,000" and insert "\$8,550,000".

Explanation:

(This amendment provides \$3.6 million GF the second year for equipment for the Arlington II building at George Mason University.)

Chief Patron: Colgan

Item C-36.70 #1s

Education: Higher Education

George Mason University

FY 08-09

\$0

FY 09-10

\$8,000,000 NGF

Language:

"C-36.70. New Construction: Student
Union Building II

\$8,000,000

Fund Sources: Bond Proceeds

\$8,000,000".

Explanation:

(This amendment provides \$8.0 million the second year from nongeneral fund bond proceeds for construction of the Student Union Building II on the Fairfax campus of George Mason University.)

Chief Patron: Colgan

Item C-36.70 #2s

Education: Higher Education

FY 08-09

FY 09-10

George Mason University

\$0

\$1,500,000 GF

\$0

\$1,000,000 NGF

Language:

"C-36.70. Improvements: Campus Security,
Arlington Campus

\$2,500,000

Fund Sources: General

\$1,500,000

Higher Education Operating

\$1,000,000".

Explanation:

(This amendment provides \$1.5 million GF and \$1.0 million NGF the second year for campus security improvements at the Arlington campus of George Mason University.)

Chief Patron: Obenshain

Item C-39.05 #1s

Education: Higher Education

James Madison University

FY 08-09

\$0

FY 09-10

\$5,072,000 GF

Language:

Page 555, line 18, strike "\$846,000" and insert "\$5,918,000".

Explanation:

(This amendment provides an additional \$5.0 million GF the second year to equip the new Performing Arts Center and Recital Hall at James Madison University.)

Chief Patron: Miller Y.B.

Item C-46.06 #1s

Co-Patron(s): Edwards, Locke, Lucas, McEachin ,
Northam, Quayle, Wagner

Education: Higher Education	FY 08-09	FY 09-10
Norfolk State University	\$2,000,000	\$0 GF

Language:

"C-46.06. Planning: Renovate and Expand Fine Arts Center	\$2,000,000
Fund Sources: General	\$2,000,000".

Explanation:

(This amendment provides \$2.0 million GF the first year to plan for the renovation and expansion of the Fine Arts Center at Norfolk State University.)

Chief Patron: Miller Y.B.

Item C-46.06 #2s

Co-Patron(s): Edwards, Locke, Lucas, McEachin ,
Northam, Quayle, Wagner

Education: Higher Education	FY 08-09	FY 09-10
Norfolk State University	\$8,380,000	\$8,380,000 GF

Language:

"C-46.06. Improvements: Signage, Roads and Site Improvements	\$8,380,000	\$8,380,000
Fund Sources: General	\$8,380,000".	\$8,380,000".

Explanation:

(This amendment provides \$8.4 million GF the first year and \$8.4 million GF the second year to plan for signage, roads and site improvements at Norfolk State University.)

Education: Higher Education

Old Dominion University

Language

Language:

Page 558, following line 26, insert:

"Old Dominion University is hereby granted authority to convey the current President's Residence to the Old Dominion Real Estate Foundation in order to reconstruct this facility. Authority is also granted to construct this project with alternative financing, which may include an agreement with the Old Dominion University Real Estate Foundation 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 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 the Appropriations Act."

Explanation:

(This amendment authorizes Old Dominion University to transfer the president's residence to the ODU Real Estate Foundation for renovation, and to lease back such facility.)

Chief Patron: Stolle

Item C-50.30 #2s

Education: Higher Education

FY 08-09

FY 09-10

Old Dominion University

\$0

\$19,251,000 GF

Language:

"C-50.30. New Construction: Construct
Systems Research and Academic Building

\$19,251,000

Fund Sources: General

\$19,251,000".

Explanation:

(This amendment provides \$19.3 million GF the second year to construct the Systems Research and Academic Building at Old Dominion University.)

Chief Patron: Quayle

Item C-63.01 #1s

Education: Higher Education

University Of Virginia

FY 08-09

\$720,000

FY 09-10

\$75,400,000 NGF

Language:

"C-63.01. Improvements: Renovate New
Cabell Hall

\$720,000

\$75,400,000

Fund Sources: Bond Proceeds

\$720,000".

\$75,400,000".

Explanation:

(This amendment provides \$0.7 million the first year and \$75.4 million the second year from VCBA bond proceeds for renovation of New Cabell Hall at the University of Virginia.)

Chief Patron: Quayle

Item C-63.01 #2s

Education: Higher Education

University Of Virginia

FY 08-09

\$1,600,000

FY 09-10

\$0 GF

Language:

"C-63.01. Planning: Renovate Ruffner Hall

\$1,600,000

Fund Sources:

\$1,600,000".

Explanation:

(This amendment provides \$1.6 million GF the first year to plan for renovation of Ruffner Hall at the University of Virginia.)

Chief Patron: Wampler

Item C-63.11 #1s

Education: Higher Education

FY 08-09

FY 09-10

University Of Virginia

\$0

\$3,500,000 GF

Language:

"C-63.11. Planning: Library

\$3,500,000

Fund Sources: General

\$3,500,000".

Explanation:

(This amendment provides \$3.5 million GF the second year to plan for construction of a new library at the University of Virginia at Wise.)

Chief Patron: Marsh

Item C-67.11 #1s

Education: Higher Education

FY 08-09

FY 09-10

Virginia Commonwealth University

\$0

\$42,282,000 GF

Language:

"C-67.11. New Construction: General
Classroom Building

\$42,282,000

Fund Sources: Bond Proceeds

\$42,282,000".

Explanation:

(This amendment provides \$42.3 million the second year from VCBA bond proceeds for construction of a general classroom building at the Virginia Commonwealth University.)

Chief Patron: Norment

Item C-85.01 #1s

Co-Patron(s): Hanger, Northam

Education: Higher Education

Virginia Military Institute

FY 08-09

\$0

FY 09-10

\$18,300,000 GF

Language:

"C-85.01. Improvements: Renovate Science

\$18,300,000

Building

Fund Sources: General

\$18,300,000".

Explanation:

(This amendment provides \$18.3 million GF the second year for renovation of the science building at the Virginia Military Institute.)

Chief Patron: Norment

Item C-85.01 #2s

Co-Patron(s): Hanger, Northam

Education: Higher Education

Virginia Military Institute

FY 08-09

\$0

FY 09-10

\$205,000 GF

Language:

"C-85.01. Planning: Renovate Post Hospital

\$205,000

Fund Sources: General

\$205,000".

Explanation:

(This amendment provides \$0.2 million GF the second year for detailed planning for renovation of the Post Hospital at the Virginia Military Institute.)

Chief Patron: Norment

Item C-85.01 #3s

Co-Patron(s): Hanger, Northam

Education: Higher Education

Virginia Military Institute

FY 08-09

\$0

FY 09-10

\$955,000 GF

Language:

"C-85.01. Planning: Post Infrastructure

\$955,000

Improvements

Fund Sources: General

\$955,000".

Explanation:

(This amendment provides \$1.0 million GF the second year for detailed planning of post infrastructure improvements at the Virginia Military Institute.)

Chief Patron: Edwards

Item C-91.06 #1s

Education: Higher Education

FY 08-09

FY 09-10

Virginia Polytechnic Institute And
State University

\$0

\$29,894,000 GF

Language:

"C-91.06. Improvements: Renovate
Davidson Hall

\$29,894,000

Fund Sources: General

\$29,894,000".

Explanation:

(This amendment provides \$29.9 million GF the second year for renovation of Davidson Hall at the Virginia Tech.)

Chief Patron: Edwards

Item C-91.06 #2s

Education: Higher Education

FY 08-09

FY 09-10

Virginia Polytechnic Institute And
State University

\$0

\$30,000,000 NGF

Language:

"C-91.06. New Construction: Parking
Structure

\$30,000,000

Fund Sources: Bond Proceeds

\$30,000,000".

Explanation:

(This amendment provides \$30.0 million the second year from 9(c) bond proceeds for construction of a parking structure at Virginia Tech.)

Chief Patron: Edwards

Item C-91.06 #3s

Education: Higher Education

FY 08-09

FY 09-10

Virginia Polytechnic Institute And
State University

\$0

\$9,750,000 GF

Language:

"C-91.06. Planning: Engineering Signature
Building

\$9,750,000

Fund Sources: General

\$9,750,000".

Explanation:

(This amendment provides \$9.8 million GF the second year to plan for construction of the Engineering Signature Building at Virginia Tech.)

Chief Patron: Colgan

Item C-103.05 #1s

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 570, line 12, following "transfer" strike "\$18,500,000" and insert "\$43,000,000".

Explanation:

(This amendment eliminates funding for the renovation and replacement of the Central Virginia Training Center and transfers the funds to a new project for the construction of community housing in Central Virginia.)

Chief Patron: Newman

Item C-103.05 #2s

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 570, line 12, following "transfer" strike "\$18,500,000 of the amount appropriated in".

Page 570, strike lines 13 to 16.

Explanation:

(This amendment restores funding for the renovation and replacement of the Central Virginia Training Center.)

General Fund Deposits

Federal Fiscal Stimulus

Language

Language:

Page 616, following line 21, insert:

"3-3.05 FEDERAL FISCAL STIMULUS

The Governor is authorized to solicit and accept federal grants and/or enhanced federal reimbursement that result from legislation enacted in the 111th session of Congress to stimulate the economy and provide state fiscal relief. Notwithstanding any other provision of this Act, funds so received shall be allocated for the specific purpose stated in the legislation. To the degree that unrestricted funds are received, and the use of said funds has not been specified in this Act by the General Assembly, the allocation of funds shall occur only after a 30-day notice in writing to members of the General Assembly of the intended use of said unrestricted funds.

Monthly general fund revenue reports provided to members of the General Assembly shall include an updated status report on the amount of federal funds received under various sections of the federal legislation and details on the allocation of funds."

Explanation:

(This amendment is self-explanatory.)

Adjustments and Modifications to Tax Collections

Neighborhood Assistance Program and Schools for
Children with Disabilities Fund Tax Credit

Language

Language:

Page 617, line 22, after "\$12 million" strike ", (2) \$1 million of the".

Page 617, strike line 23 through line 26.

Page 617, line 22, after "\$12 million" insert

" allocated as follows: \$6.75 million for education programs for approval by the Superintendent of Public Instruction and \$5.25 million for programs other than education programs for approval by the Commissioner of the State Department of Social Services. If the amount of tax credits requested by neighborhood organizations and approved by the Superintendent for education programs is less than \$6.75 million, then the balance of such amount shall be allocated to programs for approval by the Commissioner of the State Department of Social Services. If the amount of tax credits requested by neighborhood organizations and approved by the Commissioner of the State Department of Social Services is less than \$5.25 million, then the balance of such amount shall be allocated to programs for approval by the Superintendent. The Superintendent and the Commissioner of the State Department of Social Services shall work cooperatively for purposes of allocating any balance of tax credits that have not been requested or approved and for ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent and the Commissioner of the State Department of Social Services may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

Notwithstanding any other provision of law, no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates."

Explanation:

(This amendment revises allocation formulas related to the Neighborhood

Assistance Tax Credit set forth in Part III to comport with the statutory provisions contained within SB 1325. In addition, the total amount of tax credits available to a single entity in a single year is capped at \$500,000.)

Chief Patron: Colgan

Item 3-5.13 #1s

Adjustments and Modifications to Tax Collections

Disposition of Excess Fees Collected by Clerks of the
Circuit Courts

Language

Language:

Page 620, strike lines 37 to 40.

Explanation:

(This amendment eliminates language that would increase the Commonwealth's share of Clerks' excess fees from one-third to two-thirds. A companion amendment to Item 475.20 reduces aid to local governments by \$6.0 million GF the second year to offset the effect of this amendment.)

Chief Patron: Cuccinelli

Item 4-5.05 #1s

Co-Patron(s): Hanger, Obenshain

Special Conditions and Restrictions on Expenditures

Nonstate Agencies, Interstate Compacts and
Organizational Memberships

Language

Language:

Page 671, after line 7, insert:

"6. Notwithstanding any other provisions of this act, no expenditure from general, special, or other non-general fund sources shall be made out of any appropriation by the General Assembly to Planned Parenthood Federation of America, Inc. or any subsidiary or affiliate thereof."

Explanation:

(This amendment is self-explanatory.)

Chief Patron: Obenshain

Item 4-5.05 #2s

Special Conditions and Restrictions on Expenditures

Nonstate Agencies, Interstate Compacts and
Organizational Memberships

Language

Language:

Page 671, after line 7, insert:

"6. MEDICAL SERVICES. Notwithstanding any other provisions of this act, no expenditure from general, special, or other non-general fund sources may be made out of any appropriation by the General Assembly for services provided by any organization providing abortion or abortion counseling services, except hospitals as defined in Section 32.1-123 of the Code of Virginia."

Explanation:

(This amendment is self-explanatory.)

Effective Date

Effective Date

Language

Language:

ADDITIONAL ENACTMENTS

Page 692, line 1, At the end of the line

Insert

4. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:03 as follows:

§ 58.1-439.12:03. Commercial clean energy production tax credit.

A. For taxable years beginning on or after January 1, 2010, any taxpayer owning a commercial clean energy production facility shall be allowed a credit against the tax imposed by § 58.1-320 or 58.1-400 in the amount of (i) 0.06 cents per kWh of electricity that is generated using solar photovoltaic technology at the commercial clean energy production facility and that is sold in the taxable year to an electric utility in the Commonwealth and (ii) 0.03 cents per kWh of electricity that is generated using wind power at the commercial clean energy production facility and that is sold in the taxable year to an electric utility in the Commonwealth.

B. For purposes of this section, "commercial clean energy production facility" means a nonresidential facility located within the Commonwealth at which electricity is generated through the use of solar photovoltaic technology or wind power and that further complies with such criteria as are established by the State Corporation Commission in a proceeding conducted pursuant to subsection C.

C. The State Corporation Commission shall conduct a rulemaking proceeding, which shall be

completed by December 1, 2009, to establish procedures for the administration of the energy production tax credit established by this section and to establish eligibility criteria for commercial solar photovoltaic and wind power facilities that are in the public interest.

D. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the electricity is sold. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

Page 692, line 2, At the beginning of the line, strike "4." and insert "5."

Page 692, line 3, After "second", strike "and third enactment" and insert ", third, and fourth enactments."

Explanation:

(This amendment establishes a Commercial Clean Energy Production tax credit for taxable years beginning on or after January 1, 2010.)

Effective Date

Effective Date

Language

Language:

ADDITIONAL ENACTMENTS

Page 692, line 1, At the end of the line

Insert

4. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:03 as follows:

§ 58.1-439.12:03. Green job creation tax credit.

A. For taxable years beginning on or after January 1, 2009, but before January 1, 2014, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 equal to \$1,000 each taxable year (but not to exceed \$3,000 in total) for each new green job created by the taxpayer that has an annual salary of at least \$50,000. The \$1,000 credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the two succeeding taxable years provided the job is continuously filled during the respective taxable year.

B. For purposes of this section, "green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include geothermal heating systems, solar heating systems, hydropower systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

C. For purposes of this section, "job" means employment for an indefinite duration of an employee for which the taxpayer pays the wages and standard fringe benefits for such employee.

D. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled during the respective taxable year.

E. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. A taxpayer shall not be allowed tax credit pursuant to this section for any green job for which the taxpayer is allowed a major business facility job tax credit pursuant to § 58.1-439.

Page 692, line 2, At the beginning of the line, strike "4." and insert "5."

Page 692, line 3, After "second", strike "and third enactment" and insert ", third, and fourth enactments."

Explanation:

(This amendment establishes a Green Job Creation tax credit for taxable years beginning on or after January 1, 2009. However, the credit is first allowed for the taxable year in which the job has been filled for at least one year. Therefore, the

revenue impact will begin in the next biennium).

Effective Date

Effective Date

Language

Language:

ADDITIONAL ENACTMENTS

Page 692, line 1, At the end of the line

Insert

4. That § 2.2-4346 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-1111.1 and by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 through 2.2-1185, as follows:

§ 2.2-1111.1. Purchases of sustainable energy.

A. As used in this section:

"Biomass" means power obtained by the conversion of any of the following into electricity: (i) nontoxic plant matter consisting of agricultural crops or their byproducts, urban wood waste, mill residue, slash, or brush; (ii) animal wastes and products of animal wastes; and (iii) methane produced at landfills or as a by-product of the treatment of wastewater residuals.

"Geothermal power" means power obtained by the conversion of heat from geothermal reserves in the earth's crust into electricity.

"Solar power" means power obtained by the conversion of solar radiation into electricity by heat engine or photovoltaic means.

"Sustainable energy" means electricity generated or derived from solar power, wind power, geothermal power, or biomass.

"Wind power" means power obtained by the conversion of wind energy into electricity through the use of wind turbines that are located and designed to minimize damage to Virginia's natural, cultural, and scenic resources.

B. The Division shall ensure that purchases of electricity by or for the departments, agencies, or institutions of the Commonwealth shall consist of not less than the percentage of sustainable energy prescribed for the specified calendar year, as follows:

1. For years 2010 through 2013, five percent;
2. For years 2014 through 2016, 10 percent;
3. For years 2017 through 2019, 15 percent; and
4. For year 2020 and subsequent years, 20 percent.

C. In calculating the percentage of electricity purchased by or for the departments, agencies, or institutions of the Commonwealth that is sustainable energy, there shall be excluded any purchases of non-sustainable electricity made pursuant to binding commitments to purchase such energy under contracts that were executed prior to April 1, 2009.

D. The Division shall establish procedures for verifying that purchases of electricity by or for the departments, agencies, or institutions of the Commonwealth comply with the requirements of this section.

E. The Division shall report annually to the Governor and the General Assembly. The report shall include at a minimum:

1. The extent to which electricity purchases by or for the departments, agencies, or institutions of the Commonwealth consist of sustainable energy;
2. The difference, if any, in the cost of purchasing sustainable energy compared to the costs that would have been incurred had such electricity been purchased from conventional sources based

on purchasing practices that antedated the requirements of this section; and

3. Recommendations for program improvements.

Article 8.

Green Buildings Act.

§ 2.2-1182. Definitions.

As used in this article:

“Green Building design standards” means the energy performance standards of the U.S. Green Building Council’s Leadership in Energy and Environmental Design building rating system or equivalent energy performance standards that provide for the use of Virginia forest products.

"Major facility project" means (i) a state-owned facility over 5,000 gross square feet in size or (ii) a renovation of a state-owned facility over 5,000 gross square feet in size if the value of the renovation exceeds 50 percent of the assessed building value.

§ 2.2-1183. Building standards; exemption.

A. Any state agency authorized by the General Assembly to undertake a major facility project located on state-owned land, shall build to Green Building design standards, unless granted an exemption by the Director of the Department of General Services. Such projects shall not be required to obtain official Green Building design certification.

B. The provisions of this article shall not apply to any construction project of a public school district.

§ 2.2-1184. Administration; monitoring.

A. The Department of General Services shall adopt such regulations as are necessary to enforce this article. Such regulations shall include criteria for determining when a project qualifies for an exemption from the Green Building design standard and the building standards that may be

imposed on projects that are granted exemptions.

B. The Department shall monitor and document ongoing operating savings that result from major facility projects designed and constructed consistent with Green Building design standards.

C. The Director shall evaluate requests for exemptions in consultation with the Secretary of Natural Resources.

§ 2.2-1185. Report.

On or before December 1 of each year, the Department shall provide to the Governor and the General Assembly (i) a description of projects granted exemptions from Green Building design standards, (ii) the reasons for exemptions, and (iii) recommendations for changes in policy.

§ 2.2-4346. Other exemptions for certain transactions.

The following public bodies may enter into contracts as provided in this section.

A. Contracts for certain essential election materials and services are exempted from the requirements of Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), and 5 (§ 2.2-4357 et seq.) of this chapter pursuant to § 24.2-602.

B. Any local school board may authorize any of its public schools or its school division to enter into contracts providing that caps and gowns, photographs, class rings, yearbooks and graduation announcements will be available for purchase or rental by students, parents, faculty or other persons using nonpublic money through the use of competitive negotiation as provided in this chapter; competitive sealed bidding is not necessarily required for such contracts. The Superintendent of Public Instruction may provide assistance to public school systems regarding this chapter and other related laws.

C. The Virginia Racing Commission may designate an entity to administer and promote the

Virginia Breeders Fund created pursuant to § 59.1-372 without competitive procurement.

D. The Governor or his designee may authorize any state agency to enter into a contract through the use of competitive negotiation as provided in this chapter where he finds that the contract will improve the efficiency of the state agency's use of electricity or natural gas or will result in net savings in the state agency's expenditures on electricity or natural gas.

Page 692, line 2, At the beginning of the line, strike "4." and insert "5."

Page 692, line 3, After "second", strike "and third enactment" and insert ", third, and fourth enactments."

Explanation:

(This amendment establishes policy for state purchase of sustainable energy and the Green Buildings Act related to standards for construction or renovation of state-owned buildings.)

Effective Date

Effective Date

Language

Language:

ADDITIONAL ENACTMENTS

Page 692, line 1, At the end of the line

Insert

4. That § 58.1-602 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions

therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported"

are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant

starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of

1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of

business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; and (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for

distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A sale does not include fabrication of animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever.

"Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service

charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally

considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

Page 692, line 2, At the beginning of the line, strike "4." and insert "5."

Page 692, line 3, After "second", strike "and third enactment" and insert ", third, and fourth enactments."

Explanation:

(This amendment provides a sales tax exemption for purchase of fabricated animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated. A companion amendment to Item 0 requires that the estimated revenue impact be reflected in the FY 2010 revenue estimate.)

Effective Date

Effective Date

Language

Language:

ADDITIONAL ENACTMENTS

Page 692, line 1, At the end of the line

Insert

4. That §§ 58.1-901, 58.1-902, 58.1-905, and 58.1-912 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-901.1 as follows:

§ 58.1-901. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Decedent" means a deceased person.

"Federal credit" means the maximum amount of the credit for state death taxes allowable by § 2011 of the United States Internal Revenue Code of 1954, as amended or renumbered, or successor provision, in respect to a decedent's taxable estate. The term "maximum amount" shall be construed as to take full advantage of such credit as the laws of the United States may allow. For deaths occurring on or after July 1, 2009, in no event (including for purposes of the computations under § 58.1-901.1) shall such maximum amount be less than the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978.

"Gross estate" means "gross estate" as defined in § 2031 of the United States Internal Revenue Code of 1954, as amended or renumbered, or the successor provision of the laws of the United States.

"Interest in a closely held business" means an "interest in a closely held business" as defined in § 6166 of the United States Internal Revenue Code of 1986, as amended or renumbered, or the successor provision of the laws of the United States.

"Nonresident" means a decedent who was domiciled outside of the Commonwealth of Virginia at his death.

"Personal representative" means the personal representative of the estate of the decedent, appointed, qualified and acting within the Commonwealth, or, if there is no personal representative appointed, qualified and acting within the Commonwealth, then any person in actual or constructive possession of the Virginia gross estate of the decedent.

"Resident" means a decedent who was domiciled in the Commonwealth of Virginia at his death.

"State" means any state, territory or possession of the United States and the District of Columbia.

"Taxable estate" means "taxable estate" as defined in § 2051 of the United States Internal Revenue Code of 1954, as amended or renumbered, or the successor provision of the laws of the United States.

"Value" means "value" as finally determined for federal estate tax purposes under the laws of the United States relating to federal estate taxes.

"Working farm" means an interest in a closely held business that operates as an active trade or business for agricultural purposes.

Any reference in this chapter to the laws of the United States relating to federal estate and gift taxes means the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal estate and gift taxes, as the

same may be or become effective at any time or from time to time.

§ 58.1-901.1. Date of death for decedents dying on or after January 1, 2010.

For deaths occurring on or after January 1, 2010, solely for purposes of computing the tax due under this article or Article 4 (§ 58.1-931 et seq.) of this chapter, and regardless of whether or not the laws of the United States require that a federal estate tax return be filed, the personal representative shall compute the federal estate tax as if the decedent had died on January 1, 2009.

§ 58.1-902. Tax on transfer of taxable estate of residents; amounts; credit; property of resident defined.

A. 1. A tax in the amount of the federal credit is imposed on the transfer of the taxable estate of every resident, subject, where applicable, to the credit provided for in subsection B.

2. For deaths occurring on or after July 1, 2009, a tax in the amount of the federal credit is imposed on the transfer of the taxable estate of every resident whose gross estate exceeds \$5 million, subject, where applicable, to the credit provided for in subsection B. However, no tax shall be imposed on a gross estate if the majority of the assets of the total estate are an interest in a closely held business or working farm.

B. If the real and tangible personal property of a resident is located outside of the Commonwealth and is subject to a death tax imposed by another state for which a credit is allowed under § 2011 of the Internal Revenue Code of 1954, as amended or renumbered, or the successor provision of the laws of the United States relating to federal estate taxes, the amount of tax due under this section shall be credited with the lesser of:

1. The amount of the death tax paid the other state and credited against the federal estate tax; or
2. An amount computed by multiplying the federal credit by a fraction, the numerator of which

is the value of that part of the gross estate over which another state or states have jurisdiction to the same extent to which Virginia would exert jurisdiction under this chapter with respect to the residents of such other state or states and the denominator of which is the value of the decedent's gross estate.

C. Property of a resident includes:

1. Real property situated in the Commonwealth of Virginia;
2. Tangible personal property having an actual situs in the Commonwealth of Virginia; and
3. Intangible personal property owned by the resident regardless of where it is located.

§ 58.1-905. Filing returns; payment of tax due thereon.

A. 1. The personal representative of every estate subject to the tax imposed by this chapter who is required by the laws of the United States to file a federal estate tax return shall file with the Department, on or before the date the federal estate tax return is required to be filed: (i) a return for the tax due under this chapter; and (ii) a copy of the federal estate tax return.

2. If the personal representative of any estate subject to the tax imposed by this chapter is not required by the laws of the United States to file a federal estate tax return, then the personal representative shall file with the Department a return for the tax due under this chapter within the 180 days immediately following the death of the decedent.

B. 1. If the personal representative has obtained an extension of time for filing the federal estate tax return or paying the federal estate tax or any portion thereof, the filing required by subsection A subdivision A 1 or payment required by subsection C shall be similarly extended until the end of the time period granted in the federal extension. Upon obtaining an extension of time for filing the federal estate tax return, or paying the federal estate tax or any portion thereof, the personal representative shall provide the Department with a true copy of the

instrument providing for this extension.

2. For personal representatives described under subdivision A 2, the Department may grant an extension of time for filing the state estate tax return or remitting to the Department the tax due pursuant to this chapter, or any portion of the tax due. The Department shall establish procedures and conditions for an extension.

C. The tax due under this chapter shall be paid by the personal representative to the Department not later than the date specified under subsection A or B. If such tax is paid pursuant to subsection B, interest, at a rate equal to the rate of interest established pursuant to § 58.1-15, shall be added for the period between the date when such tax would have been due had no extension been granted and the date of full payment.

D. Notwithstanding any other provision of this section, the extensions provided to individual taxpayers under subdivisions 1 and 2 of subsections F and G of § 58.1-344 shall be applicable in the same manner to the tax imposed by this chapter.

§ 58.1-912. Deposit of funds.

All moneys collected pursuant to this chapter shall be paid into the general fund of the state treasury and shall be used, as provided in the general appropriation act, for funding community-based programs of area agencies on aging, increasing Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and funding the cost of existing or additional waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover certain health care services and delivery systems for senior citizens, as may be permitted by Title XIX of the Social Security Act.

Page 692, line 3, After "second", strike "and third enactment" and insert ", third, and fourth enactments."

Explanation:

(This amendment re-institutes the estate tax for deaths occurring on or after July 1, 2009, for gross estates over \$5.0 million, unless the majority of the assets of the total estate are an interest in a closely-held business or working farm. Estate tax revenues would be dedicated to services for the elderly to include community-based programs of area agencies on aging, increased Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and funding the cost of existing or additional Medicaid waivers for certain health care services and delivery systems for senior citizens. A companion amendment to Item 0 requires that the estimated revenue impact be reflected in the FY 2010 revenue estimate.)

Effective Date

Effective Date

Language

Language:

Page 692, line 1, At the end of the line

Insert

4. That §§ 18.2-23, 18.2-95, 18.2-96, 18.2-96.1, 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16 and 29.1-553 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-23. Conspiring to trespass or commit larceny.

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200 \$500, he is guilty of a felony punishable by confinement in a state correctional facility for not

less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.2-95. Grand larceny defined; how punished.

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of \$200 \$500 or more, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than twenty 20 years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding twelve 12 months or fined not more than \$2,500, either or both.

§ 18.2-96. Petit larceny defined; how punished.

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5,
or
2. Commits simple larceny not from the person of another of goods and chattels of the value of less than \$200 \$500, except as provided in subdivision (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

§ 18.2-96.1. Identification of certain personalty.

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters "VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

D. It shall be unlawful for any person to possess such personal property or any part thereof, without the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing identification number or mark, including personalty marked with a social security number preceded by the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with the intent to violate the provisions of this section.

E. A person in possession of such property which is otherwise in violation of this section may apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for the personal property providing he can show that he is the lawful owner of the property. If a number is issued in conformity with the provisions of this section, then the person to whom it was issued and any person to whom the property is lawfully disposed of shall not be in violation of this section. This subsection shall apply only when the application has been filed by a person prior to arrest or authorization of a warrant of arrest for that person by a court.

F. Any person convicted of an offense under this section, when the value of the personalty is less than \$200 \$500, shall be guilty of a Class 1 misdemeanor and, when the value of the

personalty is \$200 \$500 or more, shall be guilty of a Class 5 felony.

§ 18.2-97. Larceny of certain animals and poultry.

Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull or calf shall be guilty of a Class 5 felony; and any person who shall be guilty of the larceny of any poultry of the value of \$5 dollars or more, but of the value of less than \$200 \$500, or of a sheep, lamb, swine, or goat, of the value of less than \$200 \$500, shall be guilty of a Class 6 felony.

§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices.

Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a Class 6 felony; provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall be less than \$200 \$500, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts.

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner

of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than \$200 \$500, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is \$200 \$500 or more, shall be guilty of grand larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.

A. Any person who commits larceny of property with a value of \$200 \$500 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen property with an aggregate value of \$200 \$500 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony.

C. A violation of this section constitutes a separate and distinct offense.

§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.2-4709 and (ii) knows the product is grown for testing or research purposes in the context of

product development in conjunction or coordination with a private research facility or a university or any federal, state or local government agency is guilty of a Class 1 misdemeanor if the value of the farm product was less than \$200 \$500, or a Class 6 felony if the value of the farm product was \$200 \$500 or more.

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement and (v) product development directly related to the product damaged or destroyed.

§ 18.2-150. Willfully destroying vessel, etc.

If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part thereof, or of any such property on board the same, if the same be of the value of \$200 \$500, he shall be guilty of a Class 4 felony, but if it be of less value than \$200 \$500, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-152.3. Computer fraud; penalty.

Any person who uses a computer or computer network, without authority and:

1. Obtains property or services by false pretenses;
2. Embezzles or commits larceny; or
3. Converts the property of another;

is guilty of the crime of computer fraud.

If the value of the property or services obtained is \$200 \$500 or more, the crime of computer

fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than \$200 \$500, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

§ 18.2-181. Issuing bad checks, etc., larceny.

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of \$200 \$500 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than \$200 \$500, the person shall be guilty of a Class 1 misdemeanor.

The word "credit" as used herein, shall be construed to mean any arrangement or understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

§ 18.2-181.1. Issuance of bad checks.

It shall be a Class 6 felony for any person, within a period of ninety 90 days, to issue two or more checks, drafts or orders for the payment of money in violation of § 18.2-181, which have an aggregate represented value of \$200 \$500 or more and which (i) are drawn upon the same account of any bank, banking institution, trust company or other depository and (ii) are made

payable to the same person, firm or corporation.

§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages; penalty.

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company or other depository on behalf of any business firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering or delivering, that the account upon which such check, draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has a represented value of \$200 \$500 or more, such person shall be guilty of a Class 6 felony.

The word "credit," as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft or order.

§ 18.2-186. False statements to obtain property or credit.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or

any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is \$200 \$500 or more, be guilty of grand larceny or, if the value is less than \$200 \$500, be guilty of petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain goods or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain goods or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN);

(viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of greater than \$200 \$500 shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 6 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 6 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service without payment; penalty; civil liability.

A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has been given.

B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any scheme, device, means or method, or by a false application for service with intent to avoid payment of lawful charges therefor.

B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined in § 18.2-190.1.

C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such mail by the addressee, shall be prima facie evidence that such

notice was duly received.

D. Any person who violates any provisions of this section, if the value of service, credit or benefit procured is \$200 \$500 or more, shall be guilty of a Class 6 felony; or if the value is less than \$200 \$500, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the service.

E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service who is aggrieved by a violation of this section may, in a civil proceeding in any court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages, including attorney's fees and costs. In addition to any other remedy provided by law, the party aggrieved may recover an award of actual damages or \$500 whichever is greater for each action.

§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner or keeper to:

1. Put up at a hotel, motel, campground or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; or
4. Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.

It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.

Any person who violates any provision of this section shall, if the value of service, credit or benefit procured or obtained is \$200 \$500 or more, be guilty of a Class 5 felony; or if the value is less than \$200 \$500, a Class 1 misdemeanor.

§ 18.2-195. Credit card fraud; conspiracy; penalties.

(1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

(a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number which he knows is expired or revoked;

(b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued;

(c) Obtains control over a credit card or credit card number as security for debt; or

(d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person other than the issuer when he knows that such advance will exceed his available credit with the issuer and any available balances held by the issuer.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number which he knows is expired or revoked;

(b) Fails to furnish money, goods, services or anything else of value which he represents or causes to be represented in writing or by any other means to the issuer that he has furnished; or

(c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which is in excess of the monetary amount authorized by the cardholder.

(3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services and other things of value furnished in violation of this section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this section, does not exceed \$200 \$500 in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value exceeds \$200 \$500 in any six-month period.

(4) Any person who conspires, confederates or combines with another, (i) either within or without the Commonwealth to commit credit card fraud within the Commonwealth or (ii)

within the Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6 felony.

§ 18.2-195.2. Fraudulent application for credit card; penalties.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to an unrequested written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who with intent to defraud, procures a credit card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is \$200 \$500 or more or petit larceny if the value is less than \$200 \$500.

C. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-197. Criminally receiving goods and services fraudulently obtained.

A person is guilty of criminally receiving goods and services fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195. Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation of this section, does not exceed \$200 \$500 in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6 felony if such value exceeds \$200 \$500 in any six-month period.

§ 18.2-340.37. Criminal penalties.

A. Any person who violates the provisions of this article or who willfully and knowingly files, or causes to be filed, a false application, report or other document or who willfully and knowingly makes a false statement, or causes a false statement to be made, on any application, report or other document required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

B. Each day in violation shall constitute a separate offense.

C. Any person who converts funds derived from any charitable gaming to his own or another's use, when the amount of funds is less than \$200 \$500, shall be guilty of petit larceny and, when the amount of funds is \$200 \$500 or more, shall be guilty of grand larceny. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply to any course of conduct that violates this section.

§ 19.2-289. Conviction of petit larceny.

In a prosecution for grand larceny, if it be found that the thing stolen is of less value than \$200 \$500, the jury may find the accused guilty of petit larceny.

§ 19.2-290. Conviction of petit larceny though thing stolen worth more than \$500.

In a prosecution for petit larceny, though the thing stolen be of the value of \$200 \$500 or more, the jury may find the accused guilty; and upon a conviction under this section or § 19.2-289 the accused shall be sentenced for petit larceny.

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of §§ 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or § 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is \$200 \$500 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

Forfeiture of such vehicle shall be enforced as is provided in §§ 4.1-339 through 4.1-348 as to vehicles used for the transportation of illegally acquired alcoholic beverages, and the provisions of §§ 4.1-339 through 4.1-348 shall apply, mutatis mutandis, to proceedings for the enforcement of such forfeiture except that venue for the forfeiture proceeding shall be in the county or city in which the offense occurred.

The agency seizing the motor vehicle or other conveyance shall, for such period of time as the court prescribes, be permitted the use and operation of the motor vehicle or other conveyance, after court forfeiture, for the investigation of crimes against the Commonwealth by the agency

seizing the motor vehicle or other conveyance. The agency using or operating each motor vehicle shall have insurance on each vehicle used or operated for liability and property damage.

§ 29.1-553. Selling or offering for sale; penalty.

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by any person totals \$200 \$500 or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of

an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

Page 692, line 2, At the beginning of the line

Strike

4.

Insert

5.

Page 692, line 3, After second

Strike

and third enactment

Insert

, third, and fourth enactments

Explanation:

(This amendment amends the Code of Virginia to raise the threshold for grand larceny from \$200 to \$500. The language in this amendment is identical to Senate Bill 1136, as introduced.)
