

Revenues

Revenues

Language

Language:

Page 1, line 32, strike "\$358,399,157" and "\$358,399,157", and insert "\$373,734,610" and "\$373,734,610".

Page 1, line 33, strike "\$500,000)", "\$500,000)" and "\$1,000,000)", and insert "\$0", "\$0" and "\$0".

Page 1, line 34, strike "\$12,397,290,978", "\$13,234,580,228" and "\$25,631,871,206", and insert "\$12,409,612,095", "\$13,045,633,580" and "\$25,455,245,675".

Page 1, line 36, strike "\$125,776,289", "\$123,670,681" and "\$249,446,970", and insert "\$149,365,049", "\$151,082,962" and "\$300,448,011".

Page 1, line 38, strike "\$13,275,966,424", "\$13,759,750,909" and "\$27,035,717,333", and insert "\$13,327,711,754", "\$13,598,716,542" and "\$26,926,428,296".

Page 1, line 41, strike "\$1,854,347,481" and "\$1,854,347,481", and insert "\$1,854,347,481" and "\$1,854,347,481".

Page 1, line 42, strike "\$15,149,860,792", "\$15,836,228,968" and "\$30,986,089,760", and insert "\$14,931,010,407", "\$15,614,776,977" and "\$30,545,787,384".

Page 1, line 43, strike "\$772,396,000", "\$27,103,000" and "\$799,499,000", and insert "\$976,861,869", "\$138,640,000" and "\$1,115,501,869".

Page 1, line 45, strike "\$17,776,604,273", "\$15,863,331,968" and "\$33,639,936,241", and insert "\$17,762,219,757", "\$15,753,416,977" and "\$33,515,636,734".

Page 1, line 46, strike "\$31,052,570,697", "\$29,623,082,877" and "\$60,675,653,574", and insert "\$31,089,931,511", "\$29,352,133,519" and "\$60,442,065,030".

Explanation:

(This amendment reflects revenue change from the introduced budget.)

Legislative Department

General Assembly Of Virginia

Language

Language:

Page 7, after line 49, insert:

"7.a. The Joint Subcommittee shall study the system of Commonwealth-chartered universities proposed in House Bill 1359 and shall report to the 2005 Session of the

Amendments to House Bill 5001, As Introduced

General Assembly on the feasibility of such a system.

b. To assist the Joint Subcommittee with its study, the University of Virginia, Virginia Tech, and the College of William and Mary shall, working with the Secretaries of Finance, Administration, Education, the State Council of Higher Education, and the staffs of the House Appropriations and Senate Finance Committees, prepare and submit to the Joint Subcommittee by September 1, 2004, proposed draft charter agreements that are consistent with the legislation referenced in Paragraph 7.a. of this item."

Explanation:

(This amendment self-explanatory.)

Item 2 #1h

Legislative Department

Auditor Of Public Accounts

FY 04-05

(\$78,435)

FY 05-06

(\$78,435) GF

Language:

Page 8, line 2, strike "\$9,974,706" and insert "\$9,896,271".

Page 8, line 2, strike "\$9,978,384" and insert "\$9,899,949".

Explanation:

(This amendment reduces the general fund support provided to the Auditor of Public Accounts in response to the base budget submission filed by the agency. In submitting the agency's base budget, the auditor reported that after including sufficient amounts for current salary costs, fringe benefits, and operating costs, the agency did not require the full general fund appropriation it had been provided as a guide for budget development.)

Item 4 #1h

Legislative Department

Division Of Capitol Police

FY 04-05

\$397,883

FY 05-06

\$397,883 GF

Language:

Page 8, line 40, strike "\$5,329,708" and insert "\$5,727,591".

Page 8, line 40, strike "\$5,329,741" and insert "\$5,727,624".

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Explanation:

(This amendment provides additional general fund dollars to the Division of Capitol Police in order to provide all employees of the agency with a 9.3 percent salary increase. The agency's staff are currently paid less than all other surrounding law enforcement jurisdictions, including area campus police. Consequently, the agency has had difficulty retaining and recruiting high quality staff. This adjustment would place the agency's staff salaries on par with area campus police. The amendment includes not only the costs of the salary increase, but also the differential between current fringe benefits amounts and the new amounts that would be required given higher salaries.)

Item 4 #2h

Legislative Department

Division Of Capitol Police

Language

Language:

Page 9, line 3, strike "\$79,588" and insert "\$90,549".

Page 9, line 4, strike "\$79,588" and insert "\$90,549".

Page 9, line 5, strike "\$81,976" and insert "\$93,265".

Explanation:

(This amendment increases the annual salary paid to the Chief, Division of Capitol Police, so that his salary is equivalent to the salary paid to local campus police chiefs.)

Item 7 #1h

Legislative Department

Division Of Legislative Services

FY 04-05

(\$160,000)

-2.00

FY 05-06

(\$160,000)

-2.00

GF

FTE

Language:

Page 9, line 34, strike "\$4,577,254" and insert "\$4,417,254".

Page 9, line 34, strike "\$4,577,254" and insert "\$4,417,254".

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment reduces general fund support for the Division of Legislative Services to account for the elimination of two staff positions. The incumbents holding these two positions have retired, and the agency does not plan to replace them.)

Item 7 #2h

Legislative Department	FY 04-05	FY 05-06	
Division Of Legislative Services	(\$62,500)	(\$62,500)	NGF

Language:

Page 9, line 34, strike "\$4,577,254" and insert "\$4,514,754".

Page 9, line 34, strike "\$4,577,254" and insert "\$4,514,754".

Explanation:

(This amendment reduces the nongeneral fund amounts appropriated for the Division of Legislative Services. On July 1, 2003, the agency transferred the responsibility for the printing, mailing, and subscription process for the Register of Regulations to a private-sector firm. As a result, the agency no longer collects subscription revenue for this publication. The agency's nongeneral fund appropriations will now include only revenue collected from printing the remaining in-house publications, including the Legislative Record, Session Summary, and Issue Briefs.)

Item 13 #1h

Legislative Department	FY 04-05	FY 05-06	
Commissioners For Promotion Of Uniformity Of Legislation	\$21,000	\$23,000	GF

Language:

Page 11, line 16, strike "\$39,500" and insert "\$60,500".

Page 11, line 16, strike "\$39,500" and insert "\$62,500".

Explanation:

(This amendment provides additional general fund support to this legislative entity

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for the payment of dues and the annual conference travel expenses for the Commissioners for Promotion of Uniformity of Legislation. Currently, this legislative sub-agency does not have sufficient appropriation to pay the Commonwealth's membership dues for this organization or sufficient appropriation to pay the commissioners' travel expenses to attend the organization's annual meetings. The Code of Virginia currently contains 83 laws based on uniform acts prepared by these commissioners.)

Item 17 #1h

Legislative Department	FY 04-05	FY 05-06	
Virginia Commission On Youth	(\$23,683)	(\$23,683)	GF

Language:

Page 12, line 12, strike "\$315,861" and insert "\$292,178".

Page 12, line 12, strike "\$315,861" and insert "\$292,178".

Explanation:

(This amendment reduces general fund support for the Virginia Commission on Youth. The agency reports that assuming the nature and number of legislative initiatives remains constant, the commission will leave a part-time Legislative Policy Analyst position vacant for the 2004-2006 biennium.)

Item 18 #1h

Legislative Department	FY 04-05	FY 05-06	
Virginia Crime Commission	\$69,463	\$0	GF

Language:

Page 12, line 22, strike "\$500,436" and insert "\$569,899".

Explanation:

(This amendment provides additional general fund support to the Virginia State Crime Commission to offset the loss of federal funds the legislative agency had previously received from the U.S. Department of Justice. These federal funds were part of a program titled "Grant to Encourage Arrests Policies," or GEAP.

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Responsibility for the submission and oversight of the grant application were assigned to the Department of Criminal Justice Services (DCJS), and due to application errors, the grant expired. The federal government provided DCJS an opportunity to submit an amended application to continue the grant; however, that application was denied. The GEAP funds had been available to seven partner agencies for nine years prior to the grant's expiration. Other agencies affected by the loss of these federal dollars include Virginians Aligned Against Sexual Assault, the Office of the Chief Medical Examiner, the Office of the Executive Secretary of the Supreme Court, and the Office of the Attorney General.)

Item 23 #1h

Legislative Department

Legislative Department Reversion
Clearing Account

Language

Language:

Page 14, after line 38, insert:

"On or before June 30, 2005, the Joint Rules Committee shall authorize the reversion of \$500,000 to the general fund, representing savings generated by the legislative agencies. On or before June 30, 2006, the Joint Rules Committee shall authorize the reversion of \$500,000 to the general fund, representing savings generated by legislative agencies in the second year."

Explanation:

(This amendment provides language authorizing the reversion of general fund savings generated by legislative agencies. The total savings to be generated by legislative agencies in the biennium is \$1.0 million.)

Item 25 #1h

Judicial Department

Supreme Court

Language

Language:

Page 16, after line 39, insert:

"F. The Judicial Council of Virginia shall evaluate and make recommendations on the funding, resources, and statutory changes required to implement a system of family

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courts in Virginia pursuant to the provisions contained in Chapters 929 and 930 of the Acts of Assembly of 1993. In performing this evaluation, all state agencies shall cooperate, upon request, with the Judicial Council of Virginia. The Judicial Council of Virginia shall report its findings to the Governor and the General Assembly by November 1, 2004."

Explanation:

(This amendment inserts language into the Appropriation Act that instructs the Judicial Council of Virginia to examine the costs and other resources necessary to establish a system of family courts in Virginia.)

Item 26 #1h

Judicial Department

Supreme Court

Language

Language:

Page 17, strikes lines 10 through 15 and insert:

"3. To each justice, \$6,500 the first year and \$6,500 the second year for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court."

Explanation:

(This amendment clarifies the reimbursement of expenses incurred by the justices appointed to the Virginia Supreme Court. Current language suggests that the amounts provided for the reimbursement of the justices are primarily for the costs of travel. This amendment ensures that the justices may be reimbursed for any costs for which they are not reimbursed by the Supreme Court up to a limit of \$6,500.)

Item 31 #1h

Judicial Department

Court Of Appeals Of Virginia

Language

Language:

Page 18, strike lines 28 through 33 and insert:

"4. To each judge, \$6,500 the first year and \$6,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court."

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Explanation:

(This amendment clarifies the reimbursement of expenses incurred by the judges appointed to the Court of Appeals of Virginia. Current language suggests that the amounts provided for the reimbursement of the judges are primarily for the costs of travel. This amendment ensures that the judges may be reimbursed for any costs for which they are not reimbursed by the Court of Appeals up to a limit of \$6,500.)

Item 32 #1h

Judicial Department

Circuit Courts

FY 04-05

(\$6,556,539)

FY 05-06

(\$6,501,430) GF

Language:

Page 19, line 2, strike "\$75,756,553" and insert "\$69,200,014".

Page 19, line 2, strike "\$79,070,327" and insert "\$72,568,897".

Explanation:

(This amendment reduces the general fund support provided for the payment of court-appointed attorney's fees. These fees are paid from appropriations made to the Criminal Fund for the representation of indigent criminal defendants. However, due the creation of four new public defender offices, the need for court-appointed counsel will be reduced. The four new public defender offices will be established in Arlington County (including Falls Church) and the cities of Chesapeake, Hampton, and Newport News. In addition to the direct costs of establishing these offices, general fund savings are also taken from the Criminal Fund due to the public defender offices' more effective and efficient representation of indigent criminal defendants. Currently, court-appointed attorneys' per charge rates equal about \$145 per charge. Public defenders' per charge rates equal about \$113 per charge. This amendment is a companion to an amendment providing funding for these four new public defender offices found in Item 39, which represents the Public Defender Commission's budget.)

Item 37 #1h

Judicial Department

Board Of Bar Examiners

Language

Amendments to House Bill 5001, As Introduced

Language:

Page 23, strike lines 16 through 47 and insert:

"Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia."

Page 24, strike lines 1 through 56.

Page 25, strike lines 1 through 16.

Explanation:

(This amendment deletes language that was erroneously included in this item from Item 137 of this act. The erroneous language included provisions about the activities that should be included as part of the Commonwealth's program of public education. These provisions do not affect the Board of Bar Examiners, which is responsible for the licensure of attorneys. In addition, it should be noted that the erroneous language still appears where it should within Direct Aid to Public Education.)

Item 39 #1h

Judicial Department

Public Defender Commission

FY 04-05

\$6,425,708

90.00

FY 05-06

\$5,931,546

90.00

GF

FTE

Language:

Page 25, line 33, strike "\$23,678,918" and insert "\$30,104,626".

Page 25, line 33, strike "\$23,693,663" and insert "\$29,625,209".

Page 25, after line 38, insert:

"Out of the amounts provided for criminal indigent defense, \$6,425,708 the first year and \$5,931,546 the second year from the general fund is provided to establish public defender offices in Arlington County and the cities of Chesapeake, Hampton, and Newport News. The Public Defender Commission shall give priority in establishing these public defender offices first to the City of Newport News and then to the cities of Chesapeake and Hampton."

Explanation:

(This amendment provides additional general fund dollars to the Public Defender Commission to establish four new public defender offices in Arlington County (including Falls Church) and the cities of Chesapeake, Hampton, and Newport News. In addition, the amendment prioritizes the establishment of the public defender offices in Newport News, Chesapeake, and Hampton. The creation of public defender offices in these three cities provides the greatest potential for producing general fund

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savings from the Criminal Fund, which supports court-appointed attorneys' fees for the representation of indigent criminal defendants, jury per diems, the costs of court reporters, and the costs of interpreters. A companion amendment, Item 32#1h, reduces expenditures from the Criminal Fund to account for the creation of these four offices and the savings that will result from the more efficient representation of indigent criminal defendants by public defenders.)

Item 53 #1h

Executive Offices

Division Of Debt Collection

Language

Language:

Page 31, line 29, strike "\$1,000" and insert "\$15,000".

Explanation:

(This amendment raises the limitation on the amount of debt that the Division of Debt Collection may contract with private entities for collection. This will allow for the bundling of debt for collection by private collection agencies to further increase collection rates on smaller claims.)

Item 58 #1h

Administration

Secretary Of Administration

Language

Language:

Page 34, after line 7, insert:

"The Secretary of Administration, in consultation with the Secretary of Education and the Office of the Attorney General, shall prepare a report outlining plans, including a schedule of steps and events, which are to be implemented with a view toward corrective actions addressing remaining design and construction issues associated with the maintenance and operation of the Library of Virginia building in Richmond."

Explanation:

(This amendment is self-explanatory.)

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Item 60 #1h

Administration	FY 04-05	FY 05-06	
Secretary Of Administration	(\$180,000)	(\$180,000)	GF

Language:

Page 34, line 14, strike "\$3,599,669" and insert "\$3,419,669".

Page 34, line 14, strike "\$3,599,669" and insert "\$3,419,669".

Explanation:

(This amendment reduces general fund support for public television and radio by five percent each year.)

Item 63 #1h

Administration

Compensation Board

Language

Language:

Page 37, line 6, strike "9,698" and "9,781" and insert "9,699" and "9,782".

Page 37, line 14, strike "507" and insert "506".

Page 37, line 15, strike "550" and insert "549".

Explanation:

(This amendment corrects a position adjustment made to the sheriffs' totals. The sheriffs' totals were inadvertently adjusted when the intent was to adjust the temporary position totals. This correction has no impact on the budget.)

Item 63 #2h

Administration

Compensation Board

Language

Language:

Page 39, line 19, after "inmates", insert:

", including fees collected under the provisions of House Bill 150 of the 2004 General Assembly,".

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Explanation:

(This amendment clarifies information to be collected and reported by the Compensation Board in its annual report on jail revenues and expenditures.)

Item 64 #1h

Administration

Compensation Board

Language

Language:

Page 40, line 54, strike "\$95,528" "\$95,528" "\$98,394" and insert: "\$97,677" "\$97,677" "\$100,607".

Explanation:

(This amendment corrects one of the salaries in the sheriffs' salary chart. The current salary does not reflect the 2.25 percent pay increase provided in fiscal year 2004. This correction has no impact on the budget.)

Item 64 #2h

Administration

Compensation Board

FY 04-05
(\$1,127,722)

FY 05-06
(\$1,127,722) GF

Language:

Page 40, line 25, strike "\$326,631,328" and insert "\$325,503,606".

Page 40, line 25, strike "\$333,277,378" and insert "\$332,149,656".

Page 43, after line 19, insert:

"L. The Compensation Board is authorized to use up to \$3,550,000 in the first year and \$1,150,000 the second year from projected general fund balances in Items 64, 65, 66, 69 and 70 to address constitutional officer local retirement rate increases and salary annualization costs. The Compensation Board shall receive approval from the Department of Planning and Budget prior to spending or allocating any portion of the projected amount."

Explanation:

(This amendment eliminates proposed funding of annualization costs due to 2003 salary increase and authorizes use of year end balances for this and VRS rate changes.)

Item 66 #1h

Administration

Compensation Board

Language

Language:

Page 47, after line 8, insert:

"I. Notwithstanding the provisions of § 17.1-285 A, Code of Virginia, the Commonwealth shall be entitled to 37 percent of the excess fees collected by Circuit Court Clerks as required to be reported under § 17.1-283, Code of Virginia, and the governing body of the county or city shall be entitled to 63 percent of the excess fees collected unless otherwise provided by law."

Explanation:

(This amendment increases the amount of excess clerks' fees retained by the Commonwealth by four percent in order to address the net deficiency in clerks' offices which collect less in fees than they receive from the Compensation Board. The estimated increase to the general fund is \$1.6 million per year.)

Item 66 #2h

Administration

Compensation Board

Language

Language:

Page 47, after line 8, insert:

"I. Notwithstanding the provisions of Item 505, paragraph F.2.e.1., the Compensation Board shall not provide any salary increase to any Circuit Court Clerk identified in the annual Auditor of Public Accounts' report "Virginia Circuit Courts Statewide Report" as having an audit with more than one finding or a repeated finding from the previous audit report."

Explanation:

(This amendment establishes a policy that circuit court clerks shall not receive salary increases when those clerks fail to address audit findings reported by the Auditor of Public Accounts in past years or have multiple audit findings in the current report. The amendment addresses a problem that has been ongoing for a number of years in certain circuit court clerks' offices.)

Administration	FY 04-05	FY 05-06	
Compensation Board	(\$8,106,324)	(\$8,097,914)	GF

Language:

Page 47, line 10, strike "\$62,303,558" and insert "\$54,197,234".

Page 47, line 10, strike "\$66,137,960" and insert "\$58,040,046".

Page 48, line 17, strike "\$8" and insert "\$6".

Page 48, line 23, strike "\$8" and insert "\$6".

Page 48, line 29, strike "\$14" and insert "\$18".

Page 48, line 34, strike "\$14" and insert "\$18".

Page 48, line 40, strike "\$8" and insert "\$6".

Page 51, after line line 28, insert:

"M. The Compensation Board shall assist local governments, regional jail authorities, and local and regional jail fiscal agents in developing policies and procedures consistent with the provisions of § 53.1-86, Code of Virginia, for implementing the provisions of House Bill 150 of the 2004 General Assembly Session."

Explanation:

(This amendment adjusts the local jail inmate per diem to \$6 per day for local-responsible inmates and \$18 per day for out-of-compliance state inmates.)

Administration	FY 04-05	FY 05-06	
Compensation Board	(\$2,107,162)	(\$2,107,162)	GF

Language:

Page 51, line 43, strike "\$21,801,282" and insert "\$19,694,120".

Page 51, line 43, strike "\$21,801,282" and insert "\$19,694,120".

Page 52, after line 38, insert:

"4.a. Notwithstanding any other provision of law, the Compensation Board shall approve and reimburse the salaries shown in this act for all elected city and county Treasurers. The Compensation Board shall only provide reimbursement of these offices' staff salaries, pursuant to Compensation Board salary scales, for that work performed by Treasurers associated with the processing of state income taxes as

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determined by Compensation Board staffing standards. The Compensation Board may approve such other expenses for performing work associated with state income taxes as the Compensation Board deems appropriate. Any additional positions that may be necessary to implement this policy shall be provided by the Compensation Board within the amounts included in this item. However, no state funds shall be used by the Compensation Board to reimburse staff salaries or other expenses associated with any other duty performed by these offices.

b. Compensation Board funding for the Office of Finance Director in the City of Alexandria, the County of Albemarle, the County of Fairfax, the County of Henrico, the County of Prince William, and the City of Richmond shall not be less than what were the state amounts approved by the Compensation Board for those offices on May 1, 2003."

Explanation:

(This amendment restricts general fund support for elected city and county Treasurers to that portion of their work associated with the processing of state income taxes. Many Treasurers provide services supporting local programs and initiatives. Currently, in many localities, this local work far exceeds the amount of work performed for the state. The amendment does not reduce general fund support for local directors of finance, but no additional general fund support will be provided in the future.)

Item 70 #1h

Administration	FY 04-05	FY 05-06	
Compensation Board	(\$1,271,843)	(\$1,271,843)	GF

Language:

Page 53, line 4, strike "\$16,076,334" and insert "\$14,804,491".

Page 53, line 4, strike "\$16,076,334" and insert "\$14,804,491".

Page 53, line 10, strike "A." and insert "A.1."

Page 53, after line 24, insert:

"2. Notwithstanding any other provision of law, the Compensation Board shall approve and reimburse the salaries shown in this act for all elected city and county Commissioners of the Revenue. The Compensation Board shall only provide reimbursement of these offices' staff salaries, pursuant to Compensation Board salary scales, for that work performed by Commissioners of the Revenue associated with the processing of state income taxes as determined by Compensation Board staffing

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standards. The Compensation Board may approve such other expenses for performing work associated with state income taxes as the Compensation Board deems appropriate. Any additional positions necessary to implement this policy shall be provided by the Compensation Board within the amounts included in this item. However, no state funds shall be used by the Compensation Board to reimburse staff salaries or other expenses associated with any other duty performed by these offices."

Explanation:

(This amendment restricts general fund support for elected city and county Commissioners of the Revenue to that portion of their work associated with the processing of state income taxes. Many Commissioners of the Revenue provide services supporting local programs and initiatives. Currently, in many localities, this local work far exceeds the amount of work performed for the state.)

Item 78 #1h

Administration

Department Of General Services

Language

Language:

Page 57, after line 19, insert:

"D. The Department of Accounts shall provide a treasury loan of up to \$5,000,000 to the Department of General Services to support expansion and the department's overview of the statewide Virginia Partners in Procurement (VaPP) spend management program for the purpose of creating savings for the Commonwealth's agencies and institutions by collaborating in areas where there is an overlap in purchasing. Such loan shall bear interest at a rate equal to the general fund composite investment rate and shall be repaid no later than June 30, 2008. Funding for repayment of this loan will be from rebates or surcharges collected and/or fees added to the statewide spend management contracts. The General Assembly strongly encourages all state agencies and institutions of higher education to participate in the statewide spend management program authorized in this item."

Explanation:

(This amendment reauthorizes the Department of Accounts to provide a treasury loan up to \$5,000,000 to the Department of General Services to support implementation of the statewide VaPP spend management program. Similar language is contained in House Bill 29.)

Item 79 #1h

Administration

Department Of General Services

Language

Language:

Page 57, line 42, strike "\$23,171,209" and insert "\$23,562,008".

Page 57, line 43, strike "\$23,571,669" and insert "\$24,028,797."

Explanation:

(This amendment increases the rent plan internal service fund amount by \$390,799 the first year and \$457,128 the second year. The increase is for utility cost increases and inflationary increases in custodial and maintenance contracts. A companion amendment is included in Item 506.)

Item 79 #2h

Administration

Department Of General Services

Language

Language:

Page 58, after line 22, insert:

"F. The Department of General Services shall identify and inventory the fixtures remaining in the administrative and programming spaces at the Staunton Correctional Center. Items of historical value shall be removed and placed in appropriate storage facilities or disposed of through sale or donations."

Explanation:

(This amendment requires the Department of General Services to inventory fixtures in the buildings at the Staunton Correctional Center and appropriately store or dispose of items that have historical value.)

Item 79 #3h

Administration

Department Of General Services

Language

Language:

Page 58, line 8, strike the first "\$200,000" and insert "\$158,513".

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Page 58, line 8, strike the second "\$200,000" and insert "\$158,513".

Explanation:

(This amendment limits the payments in lieu of taxes paid by the Virginia Museum of Fine Arts to no more than the amount that was in effect on July 1, 2003. This amount represents about 2.5 percent of the museum's general fund appropriations.)

Item 79 #4h

Administration

FY 04-05

FY 05-06

Department Of General Services

\$238,500

\$281,200 GF

Language:

Page 57, line 20, strike "\$2,624,895" and insert "\$2,863,395".

Page 57, line 20, strike "\$2,624,895" and insert "\$2,906,095".

Explanation:

(This amendment provides funding to state agencies at the seat of government for the rent plan managed by the Department of General Services. Funding is to be used for unanticipated utility cost increases experienced in the Capitol Complex and for inflationary increases on custodial and maintenance contracts.)

Item 90 #1h

Administration

Department Of Veterans Services

Language

Language:

Page 62, line 32, strike "the expenditure of".

Page 62, line 34, after "fund", insert "is provided".

Page 62, line 36, after "Charlottesville", strike ", is contingent upon the" and insert "."

Page 62, strike lines 37 through 39.

Explanation:

(This amendment eliminates language contained in this item that made the addition of claims agents in certain field offices operated by the Department of Veterans Services contingent upon the passage of the Governor's tax proposal.)

Administration

State Board Of Elections

Language

Language:

Page 64, line 30, after "registrar", strike the remainder of the line and insert "."

Page 64, strike line 31.

Page 64, line 32, strike "general registrar pursuant to this act."

Explanation:

(This amendment would eliminate a restriction on local salary supplements for general registrars imposed by the Appropriation Act. Currently, the Appropriation Act limits the total value of these local salary supplements to no more than 10 percent of the annual compensation for general registrars shown in that act.)

Commerce And Trade

Secretary Of Commerce And Trade

Language

Language:

Page 68, after line 55, insert:

"C. The Secretary of Commerce and Trade, in conjunction with the Department of Aviation, shall examine the feasibility of developing an air freight center at the Virginia Highlands Airport in Abingdon, Virginia, or the Lonesome Pine Airport in Wise, Virginia. Such feasibility review shall identify infrastructure improvements that would be required at the respective airports, as well as adjacent improvements to house potential air freight businesses. The resulting report shall include an enumeration of all impediments to such development, a recommendation as to which airport would best serve as an air freight center, and a preliminary plan for the development of an air freight center. The Secretary shall submit his report and findings to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2004."

Explanation:

(This amendment directs the Secretary of Commerce and Trade, in conjunction with the Department of Aviation, to examine the feasibility of developing an air freight center at the Virginia Highlands or Lonesome Pine airport.)

Item 95.1 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Secretary Of Commerce And Trade	\$0	\$86,000	GF
	0.00	1.00	FTE

Language:

Page 67, after line 14, insert:

"95.1. Secretary of Agriculture and Forestry	\$86,000
Fund Sources: General	\$86,000."

"Office of Agriculture and Forestry

§ 1-34.1. Secretary of Commerce and Trade

A. Pursuant to the provisions of House Bill 1212 of the 2004 Session of the General Assembly, there is hereby created the Secretary of Agriculture and Forestry effective January 14, 2006. Included in this item is funding for the salary of the Secretary of Agriculture and Forestry. The Secretary shall be responsible to the Governor for the following agencies: Department of Agriculture and Consumer Services, Department of Forestry, Milk Commission, Virginia Agricultural Council, and Virginia Marine Products Board. Effective January 14, 2006, the appropriations and positions of the agencies listed in this section shall be transferred from the Commerce and Trade Secretariat to the Agriculture and Forestry Secretariat. The Governor, by executive order, may assign any state executive agency to the Secretary or reassign any agency to another Secretary. In addition, the Governor is hereby authorized to transfer positions and associated funding from agencies within the Secretariat of Agriculture and Forestry to the office of said Secretary up to a maximum of four positions. The Director, Department of Planning and Budget, shall include implementation of the actions set forth in this item in the Budget Bill submitted to the 2005 Session of the General Assembly."

Explanation:

(This amendment creates a new Secretary of Agriculture and Forestry, pursuant to the provisions of House Bill 1212.)

Item 97 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Agriculture And	\$150,000	\$150,000	GF

Amendments to House Bill 5001, As Introduced

Consumer Services 3.00 3.00 FTE

Language:

Page 69, line 14, strike "\$7,890,059" and insert "\$8,040,059".

Page 69, line 14, strike "\$7,890,335" and insert "\$8,040,335".

Page 69, line 22, before "All", insert "A."

Page 69, after line 23, insert:

"B. Out of the amounts in this item shall be transferred to the Agricultural Education Program in the College of Agriculture and Life Sciences at Virginia Polytechnic Institute and State University \$150,000 and three positions from the general fund in the first year and \$150,000 and three positions from the general fund in the second year to support agricultural educational specialists to be located in the eastern and western portions of Virginia."

Explanation:

(This amendment restores funding for three positions to support agricultural education, as funded in fiscal year 2003. Funding for this activity was not included in House Bill 5001. These positions will address the curricula assistance in Agricultural Education consistent with the provisions of House Bill 5001.)

Item 99 #1h

Commerce And Trade

Department Of Agriculture And
Consumer Services

Language

Language:

Page 70, strike lines 15 and 16.

Explanation:

(This amendment removes the funding for the Sweet Potato Board. Companion legislation (House Bill 13) eliminates the Board. This was a recommendation of the House Joint Resolution 159 study commission.)

Item 99 #2h

Commerce And Trade

Department Of Agriculture And
Consumer Services

Language

Amendments to House Bill 5001, As Introduced

Language:

Page 70, line 43, strike "Winegrowers Advisory" and insert "Wine".

Page 70, line 44, strike "Winegrower's Productivity Fund" and insert:
"Virginia Wine Promotion Fund".

Explanation:

(This amendment redirects the existing appropriation for the Winegrowers Advisory Board to the Virginia Wine Board created pursuant to House Bill 1230. The shift to the Wine Board would allow the Board to engage in revenue generating activities, such as charging admission to wine tasting events and including paid advertising in the Board's annual Winery Festival and Tour Guide, activities not permitted under the existing Winegrowers Advisory Board.)

Item 104 #1h

Commerce And Trade

FY 04-05

FY 05-06

Department Of Agriculture And
Consumer Services

(\$222,980)

(\$222,980) NGF

Language:

Page 72, line 1, strike "\$2,243,624" and insert "\$2,020,644".

Page 72, line 1, strike "\$2,243,624" and insert "\$2,020,644".

Page 72, line 11, strike "\$9" and insert "\$4".

Page 72, line 14, after "inspection.", insert:

"However, any entity that is subject to an inspection fee imposed by any locality shall not be subject to this registration fee. The Commissioner of Agriculture and Consumer Services shall inspect and test weights and measures offered for sale or commercially used only on a periodic basis as he deems necessary."

Explanation:

(This amendment reduces the \$9 weights and measures fee assessed beginning in fiscal year 2004 pursuant to Chapter 1042 of the Acts of Assembly of 2003 to \$4. The revenues derived from the fee are used by the Department of Agriculture and Consumer Services to finance its annual inspection of statewide weights and measures. Language directs the VDACS Commissioner to inspect test weights and measures only on a periodic basis instead of annually.)

Amendments to House Bill 5001, As Introduced

Item 107 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Business Assistance	\$100,000	\$334,142	GF

Language:

Page 73, line 18, strike "\$11,966,255" and insert "\$12,066,255".

Page 73, line 18, strike "\$11,966,255" and insert "\$12,300,397".

Page 74, after line 37, insert:

"F. Out of the amounts provided for Industrial Development Services shall be provided \$100,000 the first year and \$334,142 the second year from the general fund for the Virginia Capital Access Program."

Explanation:

(This amendment provides \$100,000 the first year and \$334,142 the second year for the Department of Business Assistance's Virginia Capital Access Program.)

Item 107 #2h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Business Assistance	\$233,326	\$0	GF
	\$1,065,924	\$1,065,924	NGF
	20.00	13.50	FTE

Language:

Page 73, line 18, strike "\$11,966,255" and insert "\$13,265,505".

Page 73, line 18, strike "\$11,966,255" and insert "\$13,032,179".

Page 74, after line 37, insert:

"F.1. Included in this item is \$1,065,924 and 13.5 positions from the Commonwealth Transportation Fund and \$223,326 and 6.5 positions from the general fund in the first year and \$1,035,857 and 13.5 positions the second year from the Commonwealth Transportation Fund, to undertake the activities previously conducted by the Department of Minority Business Enterprise pursuant to Title 2.2, Chapter 14, and Title 11, Chapter 7, Article 2, Code of Virginia.

2. The Secretary of Commerce and Trade shall develop a plan for the effective consolidation of the Department of Minority Business Enterprise into the Department of Business Assistance by July 1, 2004. Savings estimated at \$100,000 the first year

Amendments to House Bill 5001, As Introduced

and \$334,142 the second year are associated with the anticipated consolidation. The Director, Department of Planning and Budget, shall include implementation of the actions set forth in this item and in Item 125 in the Budget Bill submitted to the 2005 Session of the General Assembly.

3. Savings generated from this consolidation, as estimated in paragraph 2 of this item, shall be transferred by the Department of Business Assistance for the Virginia Capital Access Program."

Explanation:

(This amendment transfers the nongeneral funds and positions appropriated to the Department of Minority Business Enterprise (DMBE) to the Department of Business Assistance (DBA) as part of an agency consolidation that will merge the two agencies effective July 1, 2004. A companion amendment to Item 125 eliminates funding for DMBE and includes language transferring the responsibilities of that agency to DBA. Savings generated from this consolidation will be directed to the Department of Business Assistance's capital access program as set out in a companion amendment to this item.)

Item 107 #3h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Business Assistance	(\$250,000)	(\$250,000)	GF

Language:

Page 73, line 18, strike "\$11,966,255" and insert "\$11,716,255".

Page 73, line 18, strike "\$11,966,255" and insert "\$11,716,255".

Page 73, line 44, strike "\$335,000" and insert "\$85,000".

Page 73, line 45, strike "\$335,000" and insert "\$85,000".

Explanation:

(This amendment reduces funding available in each year for the small business incubator programs by \$250,000 each year.)

Item 112 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Housing And	\$500,000	\$500,000	GF

Amendments to House Bill 5001, As Introduced

Community Development

Language:

Page 70, line 20, strike "\$1,960,000" and insert "\$2,460,000".

Page 79, line 20, strike "\$1,960,000" and insert "\$2,460,000".

Page 79, after line 47, insert:

"C. This item includes \$500,000 the first year and \$500,000 the second year from the general fund to support a job creation grant program in qualifying economically distressed localities. Localities eligible for participation in the program shall have a median household income 65 percent or less than the statewide average, a percentage of students eligible for the federal free school lunch program that is at least 175 percent of the statewide average, and an unemployment rate at least 140 percent of the statewide average over the past three years. The Department of Housing and Community Development shall administer the program and shall provide one-time grants to new or expanding employers who provide at least three additional jobs. The grant shall be \$5,000 for each new employee up to a maximum of \$25,000 per business per year. If the jobs created by the new or expanding employer has a wage of at least twice the prevailing wage of that locality, the per-employee grant shall increase to \$7,500 per employee, up to a maximum of \$37,500 per employer per year. Total grants awarded under this program shall be limited to \$500,000 each fiscal year."

Explanation:

(This amendment redirects \$500,000 each year from the general fund appropriation for the Governor's Development Opportunity Fund to the Department of Housing and Community Development for a grant program geared toward attracting new and expanding businesses to economically distressed localities in the Commonwealth. A companion amendment to Item 506 reduces the appropriation to the Opportunity Fund.)

Item 116 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Labor And Industry	(\$212,830)	(\$202,830)	GF
	-4.00	-4.00	FTE

Language:

Page 80, line 32, strike "\$878,901" and insert "\$666,071".

Page 80, line 32, strike "\$868,901" and insert "\$666,071".

Amendments to House Bill 5001, As Introduced

Explanation:

(This amendment eliminates the funding and positions associated with an expansion of the apprenticeship program proposed in House Bill 5001.)

Item 123 #1h

Commerce And Trade

Department Of Mines, Minerals
And Energy

FY 04-05
(\$1,877,758)

FY 05-06
\$0 GF

Language:

Page 82, line 22, strike "\$2,916,120" and insert "\$1,038,362".
Page 82, line 27, strike "A."
Page 82, strike line 32 through line 36.

Explanation:

(This amendment eliminates funding in the first year for the Solar Photovoltaic Incentive Program. The Commonwealth already has paid in excess of \$5.0 million in incentives to the recipient of these grants although the firm has closed its operations in the Commonwealth.)

Item 125 #1h

Commerce And Trade

Department Of Minority Business
Enterprise

FY 04-05
(\$333,326)
(\$1,065,924)
-20.00

FY 05-06
(\$334,142) GF
(\$1,065,924) NGF
-20.00 FTE

Language:

Page 83, line 7, strike "\$1,700,529" and insert "\$301,279".
Page 83, line 7, strike "\$1,729,495" and insert "\$329,429".
Page 83, line 16, before "The", insert "A."
Page 83, after line 52, insert:
"B. Effective July 1, 2004, the duties, programs and responsibilities of the Department of Minority Business Enterprise as set out in Title 2.2, Chapter 14 and Title 11, Chapter 7, Article 2, Code of Virginia, are transferred to the Department of

Amendments to House Bill 5001, As Introduced

Business Assistance."

Explanation:

(This amendment eliminates funding for the Department of Minority Business Enterprise (DMBE) to effectuate the consolidation of DMBE and the Department of Business Assistance (DBA). A companion amendment to Item 107 transfers the nongeneral fund appropriations and positions and the responsibilities of DMBE to DBA.)

Item 125 #2h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Minority Business Enterprise	(\$301,279) -4.00	(\$329,429) -4.00	GF FTE

Language:

Page 83, line 7, strike "\$1,700,529" and insert "\$1,399,250".

Page 83, line 7, strike "\$1,729,495" and insert "\$1,400,066".

Explanation:

(This amendment eliminates funding for new procurement advocates proposed in House Bills 5001.)

Item 128 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Economic Development Partnership	(\$1,000,000)	(\$1,000,000)	GF

Language:

Page 84, line 33, strike "\$16,683,880" and insert "\$15,683,880".

Page 84, line 33, strike "\$16,151,939" and insert "\$15,151,939".

Page 86, strike line 38 through line 44.

Explanation:

(This amendment eliminates funding for a new initiative proposed in House Bill 5001, the provision of funding to market distressed areas of the Commonwealth.)

Amendments to House Bill 5001, As Introduced

Item 128 #2h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Economic Development Partnership	(\$250,000)	(\$250,000)	GF

Language:

Page 84, line 33, strike "\$16,683,880" and insert "\$16,433,880".

Page 84, line 33, strike "\$16,151,939" and insert "\$15,901,939".

Page 86, strike line 45 through line 48.

Explanation:

(This amendment eliminates funding for a new initiative proposed in House Bill 5001, the provision of funding for a new program to attract motor sports-related businesses to Virginia.)

Item 128 #3h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Economic Development Partnership	\$400,000	\$314,000	GF

Language:

Page 84, line 33, strike "\$16,683,880" and insert "\$17,083,880".

Page 84, line 33, strike "\$16,151,939" and insert "\$16,465,939".

Page 86, strike line 38 through line 44.

Explanation:

(This amendment restores \$400,000 the first year and \$314,000 the second year for the Partnership's core marketing of the Commonwealth.)

Item 132 #1h

Commerce And Trade	
Virginia Racing Commission	Language

Language:

Page 89, after line 29, insert:

Amendments to House Bill 5001, As Introduced

"D. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to \$40,000 the first year and \$40,000 the second year shall be transferred to the Department of Agriculture and Consumer Services for the Virginia Horse Industry Board; up to \$40,000 the first year and \$40,000 the second year shall be provided to the Virginia Equine Center Foundation."

Explanation:

(This amendment is self-explanatory.)

Item 134 #1h

Commerce And Trade

Virginia Tourism Authority

FY 04-05

\$100,000

FY 05-06

\$100,000 GF

Language:

Page 89, line 43, strike "\$11,369,914" and insert "\$11,469,914".

Page 89, line 43, strike "\$11,370,098" and insert "\$11,470,098".

Page 90, line 44, strike the first "\$150,000" and insert "\$250,000".

Page 90, line 44, strike the second "\$150,000" and insert "\$250,000".

Explanation:

(This amendment restores the annual appropriation for the Tredegar Civil War Center to \$250,000 each year. The Tredegar Foundation has raised \$15 million privately and requires the additional funding to ensure continued operation as the remaining \$3.5 million in funding requirements is raised from private donations and the Center is constructed.)

Item 134 #2h

Commerce And Trade

Virginia Tourism Authority

Language

Language:

Page 91, after line 12, insert:

"J. Out of the amounts for Tourist Promotion shall be provided \$25,000 the first year and \$25,000 the second year from the general fund to support the activities of the Coalfield Regional Tourism Authority."

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment restores \$25,000 each year to support the activities of the Coalfield Regional Tourism Authority.)

Item 134 #3h

Commerce And Trade

Virginia Tourism Authority

Language

Language:

Page 91, after line 12, insert:

"J. The Virginia Tourism Authority shall undertake an assessment of the feasibility of creating a film development fund dedicated to supporting films produced to showcase Virginia's history. The Virginia Tourism Authority shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2004, on the appropriate structure and funding source of such a fund."

Explanation:

(This amendment directs the Virginia Tourism Authority to assess the feasibility of creating a fund devoted to supporting the production of films developed to showcase Virginia's history.)

Item 134 #4h

Commerce And Trade

Virginia Tourism Authority

Language

Language:

Page 91, after line 12, insert:

"J. The Virginia Tourism Authority, in cooperation with the Virginia Wineries Association, the Virginia Wine Board and such other groups as necessary, shall enhance its "Virginia.org" tourism website to include comprehensive hyperlinked listings of wineries, "bed and breakfast" establishments, and historic attractions by geographic area of the Commonwealth. The web site shall include photographs of wineries and other attractions, which the Virginia Tourism Authority shall request from the respective Virginia wineries. Such hyperlinked directory shall be designed to assist potential travelers to the Commonwealth in the development of travel itineraries, and shall be organized such that the information is searchable by geographic vicinity. The Virginia Tourism Authority shall report on revisions made to its web site to the

Amendments to House Bill 5001, As Introduced

Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2004."

Explanation:

(This amendment directs the Virginia Tourism Corporation, in conjunction with the Virginia Wineries Association and the Virginia Wine Board, to develop a web site the contains links to bed and breakfasts, wineries and historical attractions in each region of the Commonwealth.)

Item 134 #5h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Tourism Authority	(\$1,000,000)	(\$1,000,000)	GF

Language:

Page 89, line 43, strike "\$11,369,914" and insert "\$10,369,914".

Page 89, line 43, strike "\$11,370,098" and insert "\$10,370,098".

Page 91, strike line 5 through line 12.

Explanation:

(This amendment eliminates funding for a new initiative proposed in House Bill 5001, the provision of \$1.0 million each year to the Virginia Tourism Authority to market the 2007 Jamestown Commemoration.)

Item 134 #6h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Tourism Authority	(\$150,000)	(\$150,000)	GF

Language:

Page 89, line 43, strike "\$11,369,914" and insert "\$11,219,914".

Page 89, line 43, strike "\$11,370,098" and insert "\$11,220,098".

Page 91, strike line 1 through line 4.

Explanation:

(This amendment removes funding for a new initiative proposed in House Bill 5001. This initiative would provide \$150,000 each year to promote outdoor resources tourism.)

Amendments to House Bill 5001, As Introduced

Item 134 #7h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Tourism Authority	(\$50,000)	(\$50,000)	GF

Language:

Page 89, line 43, strike "\$11,369,914" and insert "\$11,319,914".

Page 89, line 43, strike "\$11,370,098" and insert "\$11,320,098".

Page 90, line 38, after "African-American", strike "and other ethnic-American".

Explanation:

(This amendment eliminates language expanding the African-American heritage trails programs to the creation of other new ethnic-American trails. The appropriation for the program is reduced by \$50,000 each year to reflect the narrower focus. The initial work to develop the African-American trails has been completed. Future work will focus on adding sites to the trails and maintaining the systems.)

Item 134 #8h

Commerce And Trade	FY 04-05	FY 05-06	
Virginia Tourism Authority	\$500,000	\$500,000	GF

Language:

Page 89, line 43, strike "\$11,369,914" and insert "\$11,869,914".

Page 89, line 43, strike "\$11,370,098" and insert "\$11,870,098".

Explanation:

(This amendment provides \$500,000 each year for the Virginia Tourism Authority's marketing activities. A companion amendment eliminates Virginia Tourism Authority marketing funds which had been included in House Bill 5001 contingent on approval of the Governor's tax package. These amounts are to be used to market and promote the Commonwealth's tourism attractions. Up to \$50,000 each year may be directed to specifically promote the Commonwealth's scenic resources.)

Item 135 #1h

Education: Elementary &	FY 04-05	FY 05-06	
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Amendments to House Bill 5001, As Introduced

Secondary

Secretary Of Education (\$50,000) \$0 GF

Language:

Page 92, line 3, strike "\$621,136" and insert "\$571,136".

Page 94, strike lines 1 through 4.

Explanation:

(This amendment removes general funds for the establishment a new initiative for the Virginia Cancer Research Fund in the Secretary of Education agency.)

Item 135 #2h

**Education: Elementary &
Secondary**

Secretary Of Education Language

Language:

Page 93, strike lines 15 through 60.

Page 94, line 1, strike "E." and insert "D."

Explanation:

(This amendment eliminates language which outlines the additional general and nongeneral funds provided in the introduced budget for higher education which were contingent on the proposed tax package.)

Item 135 #3h

**Education: Elementary &
Secondary**

Secretary Of Education Language

Language:

Page 94, after line 4, insert:

"F. Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions."

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment is based on language included in the General Provisions of the budget bill. Placing the language within the appropriations for the Secretary of Education makes the policy more accessible to other state agencies and to the public. A companion amendment deletes the language from the General Provisions.)

	Item 141 #1h		
Education: Elementary & Secondary	FY 04-05	FY 05-06	
Department Of Education, Central Office Operations	(\$297,500)	(\$381,500)	GF

Language:

Page 97, line 18, strike "\$8,558,146" and insert "\$8,260,646".
Page 97, line 18, strike "\$8,779,646" and insert "\$8,398,146".
Page 99, line 2, strike "\$2,007,500" and insert "\$1,710,000".
Page 99, line 2, strike "\$2,229,000" and insert "\$1,847,500".

Explanation:

(This amendment updates the payment amount needed for Teacher Certification award bonuses in the biennium based on revised participation estimates as of December 2003. The revised estimates decrease the funds needed by \$297,500 the first year and \$381,500 the second year.)

	Item 144 #1h		
Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$250,000	\$250,000	GF

Language:

Page 100, line 2, strike "\$457,997,916" and insert "\$458,247,916".
Page 100, line 2, strike "\$465,142,441" and insert "\$465,392,441".
Page 102, after line 44, insert:
"5. The appropriation for Financial Assistance for General Education includes \$250,000 the first year and \$250,000 the second year from the general fund for the Wolf Trap Institute for Early Learning Through the Arts to support reading and other educational skills in pre-school children and to support professional development

Amendments to House Bill 5001, As Introduced

opportunities for educators."

Explanation:

(This amendment provides funding to assist with the support of the educational opportunities offered through the Wolf Trap Institute for Early Learning Through the Arts to unserved communities in Virginia and delivers direct services to at-risk pre-school children ages 3-5 by improving emergent literacy skills, enhancing academic and social development, and increasing school readiness. The program offerings are designed to help young children enter school ready to learn and to provide nationally recognized professional development opportunities for teachers.)

Item 144 #2h

**Education: Elementary &
Secondary**

FY 04-05

FY 05-06

Direct Aid To Public Education

\$600,000

\$600,000 GF

Language:

Page 100, line 2, strike "\$457,997,916" and insert "\$458,597,916".

Page 100, line 2, strike "\$465,142,441" and insert "\$465,742,441".

Explanation:

(This amendment makes a technical correction of an estimated \$600,000 each year for an erroneous double count reduction in Special Education categorical funding.)

Item 144 #3h

**Education: Elementary &
Secondary**

FY 04-05

FY 05-06

Direct Aid To Public Education

\$250,000

\$250,000 GF

Language:

Page 100, line 2, strike "\$457,997,916" and insert "\$458,247,916".

Page 100, line 2, strike "\$465,142,441" and insert "\$465,392,441".

Page 102, after line 44, insert:

"5. Out of the amounts for Financial Assistance for Vocational Education Instruction, the Board of Education shall provide \$250,000 the first year and \$250,000 the second

Amendments to House Bill 5001, As Introduced

year from the general fund for the Jobs for Virginia Graduates initiative."

Explanation:

(This amendment provides funding for Jobs for Virginia Graduates (JVG) which is a school-to-graduation-to-work program which places Career Specialists in schools in 15 communities in the Commonwealth as a partner with the local school divisions. These specialists work with students to master up to 81 employability competencies in a graduation credit class. JVG also serves six communities with drop-out recovery programs that are offered through the Community College System and through a partnership using some Workforce Investment Act funding. JVG, through the national Jobs for America's Graduates data management system, has been recognized as the most accountable student employability program in the country for the last 22 years. JVG is incorporated as a 501(c)3 organization with the purpose of serving Virginia's most disadvantaged and at-risk youth. Over 35 school divisions have expressed serious interest in entering into a partnership with JVG. JVG expects to serve over 1,200 students this year, and hopes to reach more communities next year.)

Item 144 #4h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$200,000)	(\$200,000)	GF

Language:

- Page 100, line 2, strike "\$457,997,916" and insert "\$457,797,916".
- Page 100, line 2, strike "\$465,142,441" and insert "\$464,942,441".
- Page 102, strike lines 24-34.
- Page 102, line 35, strike "3." and insert "2."
- Page 102, line 41, strike "4." and insert "3."

Explanation:

(This amendment eliminates the \$400,000 payment in the biennium to the Southwest Education Consortium for the biennium.)

Item 144 #5h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
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Amendments to House Bill 5001, As Introduced

Direct Aid To Public Education (\$100,000) (\$100,000) GF

Language:

Page 100, line 2, strike "\$457,997,916" and insert "\$457,897,916".

Page 100, line 2, strike "\$465,142,441" and insert "\$465,042,441".

Explanation:

(This amendment eliminates the \$200,000 payment in the biennium to the William King Regional Arts Center for the biennium.)

Item 145 #1h

**Education: Elementary &
Secondary**

FY 04-05

FY 05-06

Direct Aid To Public Education (\$790,781) (\$872,605) GF

Language:

Page 103, line 40, strike "\$265,335,825" and insert "\$264,545,044".

Page 103, line 40, strike "\$275,092,690" and insert "\$274,220,085".

Explanation:

(This amendment decreases the state's share payment needed for the Retirees Health Care Credit by \$790,781 the first year and \$872,805 the second year of the fiscal year 2004 - 2006 biennium. The rate changed from 0.59 percent down to 0.55 percent for a decrease of 4 basis points.)

Item 146 #1h

**Education: Elementary &
Secondary**

FY 04-05

FY 05-06

Direct Aid To Public Education \$41,010 \$7,506 GF

Language:

Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,920,468,143".

Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,934,471,626".

Page 115, line 27, strike "\$64,567,263" and insert "\$64,608,273".

Amendments to House Bill 5001, As Introduced

Page 115, line 28, strike "\$65,025,564" and insert "\$65,033,070".

Explanation:

(This amendment makes a technical adjustment of \$41,010 the first year and \$7,506 the second year for remedial education. It reflects the Department of Education's final calculation of remedial funding to be distributed to school divisions.)

Item 146 #2h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$650,000)	(\$650,000)	GF

Language:

Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,919,777,133".

Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,933,814,120".

Page 105, line 23, strike "\$68,878,904 \$69,033,753" and insert:
"\$68,228,904 \$68,383,753".

Page 117, line 46, strike "\$68,878,904" and insert "\$68,228,904".

Page 117, line 47, strike "\$69,033,753" and insert "\$68,383,753".

Explanation:

(This amendment reflects updated enrollment information in the K-3 Primary Class Size program.)

Item 146 #3h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$3,494,618)	(\$3,651,168)	GF

Language:

Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,916,932,515".

Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,930,812,952".

Page 113, strike lines 52-55.

Page 114, strike lines 1-4.

Explanation:

(This amendment eliminates the additional funds and the proposed increase on the

Amendments to House Bill 5001, As Introduced

adjustment factor up to 24.61 percent for the expansion of the Cost of Competing that is requested in House Bill 5001. The prior year funding methodology and the current adjustment factor of 20.92 percent will be maintained in the fiscal year 2005 and fiscal year 2006 biennial budget. The Governor's introduced House Bill 5001 budget had included language that made the additional funding of \$3,494,618 the first year and \$3,651,168 the second year for this initiative contingent upon passage of his tax proposal.)

Item 146 #4h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$4,936,727)	(\$4,981,641)	GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,915,490,406".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,929,482,479".
- Page 105, line 25, strike "24,839,120 \$25,084,079" and insert:
"\$19,639,120 \$19,784,079".
- Page 122, line 55, strike "a \$5,400 grant" and insert:
"the locality's basic aid per-pupil amount".
- Page 123, strike lines 1 through 10.

Explanation:

(This amendment changes the funding formula for the funding distributions to localities from the state's share of a \$5,400 per pupil amount to the state's share of the basic aid per pupil amount for participating localities. The amendment continues the same methodology used in fiscal year 2004 of excluding 100 percent of children who are served by either Head Start or Title I programs or services. Lastly the amendment eliminates contingency language from the At-Risk Four-Year-Olds Preschool program in House Bill 5001.)

Item 146 #5h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$8,961,151)	(\$10,425,448)	GF

Amendments to House Bill 5001, As Introduced

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,911,465,982".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,924,038,672".
- Page 105, line 31, strike "\$22,122,525 \$25,703,423" and insert: "\$9,095,373 \$10,581,601".
- Page 128, line 11, strike "a."
- Page 128, line 11, strike "\$22,122,525" and insert "\$9,095,373".
- Page 128, line 12, strike "\$25,703,423" and insert "\$10,581,601".
- Page 128, line 14, strike "17" and insert "10".
- Page 128, strike lines 19 through 26.

Explanation:

(This amendment eliminates the additional funds and seven additional positions per 1,000 students for the English as a Second Language (ESL) that is requested in House Bill 5001. The prior year funding methodology and staffing ratios are maintained in this proposed biennial budget. The Governor's introduced House Bill 5001 budget had included language that made the additional funding of \$8,961,151 the first year and \$10,425,448 the second year for this initiative contingent upon passage of his tax proposal.)

Item 146 #6h

**Education: Elementary &
Secondary**

FY 04-05

FY 05-06

Direct Aid To Public Education

(\$146,365)

(\$146,346) GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,920,280,768".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,934,317,774".

Explanation:

(This amendment decreases the state's share for basic aid payments to localities by \$146,142 in each year of the biennium as a result of the one cent sales tax collected and dedicated to public education from the revenues estimated to be generated from the sales of prepaid telephone calling cards as specified in House Bill 246.)

Item 146 #7h

Amendments to House Bill 5001, As Introduced

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$32,647,114)	(\$32,646,231)	GF

Language:

Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,887,780,019".

Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,901,817,889".

Explanation:

(This amendment decreases the state's share for basic aid payments to localities by \$32.6 million in each year of the biennium as a result of the one cent sales tax collected and dedicated to public education from the revenues estimated to be generated through the elimination of certain sales tax exemptions.)

Item 146 #8h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$54,952,763	\$55,634,004	GF

Language:

Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,975,379,896".

Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,990,098,124".

Explanation:

(This amendment restores the state's share for basic aid payments to localities by \$55.0 million the first year and \$55.6 million the second year of the biennium as a result of eliminating the local revenue deduction policy that was introduced in House Bill 5001 from direct aid funding.)

Item 146 #9h

Education: Elementary & Secondary		
Direct Aid To Public Education		Language

Language:

Page 109, after line 2, insert:

"8. In the event that the appropriations in Items 144 through 152 are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of each item, the Department of Education is authorized to transfer any available funds between these items to address such insufficiencies. If the total appropriations after such transfers remain insufficient to meet the entitlements of any program, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in the program where such shortfall occurred."

Explanation:

(This amendment provides the Department of Education the authority to transfer existing available surplus funds from one item to another for the required state's share of direct aid distributions to localities.)

Item 146 #10h

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 120, line 13, after "Authority in", insert "the Spring of".

Page 120, line 31, strike "respectively" and insert:

"for the Spring 2005 issuance, and September 30, 2005, for the Spring 2006 issuance".

Page 120, line 35, after "Blind.", insert:

"Schools that serve only pre-kindergarten students shall not be eligible for this grant."

Page 121, strike lines 5-11.

Page 121, line 12, strike "d)" and insert "c)".

Explanation:

(This amendment provides a technical update to the calendar year for which the debt issuance and payments to localities shall be completed. The language change further refines the definition for a school's eligibility for such possible funding and now excludes facilities that serve only pre-kindergarten students.)

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$21,237,291)	(\$21,364,286)	GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,899,189,842".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,913,099,834".
- Page 115, line 27, strike "\$64,567,263" and insert "\$43,329,972".
- Page 115, line 28, strike "65,025,564" and insert "\$43,661,278".
- Page 115, line 32, strike "adopted in June 2003".
- Page 115, line 33, strike "one hour".
- Page 115, line 34, strike "of additional instruction per day for".
- Page 115, strike lines 52 through 56.
- Page 116, strike lines 1 through 2.
- Page 116, line 3, strike "e." and insert "d."
- Page 116, line 37, strike "f." and insert "e."
- Page 117, line 19, strike "g." and insert "f."

Explanation:

(This amendment maintains the 2004 fiscal year funding level for the SOQ remediation program.)

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$10,093,313)	(\$10,093,313)	GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,910,333,820".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,924,370,807".
- Page 127, strike lines 37 through 52.
- Page 128, strike lines 1 through 9.
- Page 128, line 10, strike "16." and insert "15."

Explanation:

(This amendment redirects the \$20.2 million for the student achievement block

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grant funds toward partial payment of eliminating the local revenue deduction policy as introduced in House Bill 5001.)

Item 146 #13h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$1,748,099	\$1,526,329	GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,922,175,232".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,935,990,449".
- Page 115, line 9, strike "\$1,466,336" and insert "\$3,214,435".
- Page 115, line 10, strike "\$2,241,415" and insert "\$3,767,863".
- Page 115, line 14, strike "2004" and insert "2003".
- Page 115, line 15, strike "29" and insert "1400".
- Page 115, line 16, strike "29 of the 2004" and insert "1400 of the 2003".
- Page 115, line 20, strike "29/Senate Bill 29" and insert "1400/Senate Bill 1400".

Explanation:

(This amendment provides funding to localities to ensure that they receive the same level of funding and hold localities harmless for both years of the fiscal year 2004-2006 biennium as the localities received in the House Bill 1400 adopted in the 2003 session.)

Item 146 #14h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	(\$4,694,044)	(\$5,633,264)	GF

Language:

- Page 105, line 15, strike "\$2,920,427,133" and insert "\$2,915,733,089".
- Page 105, line 15, strike "\$2,934,464,120" and insert "\$2,928,830,856".

Explanation:

(This amendment decreases the state's share for basic aid payments to localities by

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\$10.3 million in the biennium as a result of the revised December baseline estimate for the one cent sales tax revenue collected and dedicated to public education.)

Item 147 #1h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$260,000	\$260,000	GF

Language:

Page 128, line 28, strike "\$1,279,045,675" and insert "\$1,279,305,675".

Page 128, line 28, strike "\$1,328,043,698" and insert "\$1,328,303,698".

Explanation:

(This amendment provides an additional sales tax payment of \$260,000 to localities in each year of the biennium as a result of the one cent sales tax collected and dedicated to public education from the revenues estimated to be generated from sales of prepaid telephone calling cards as specified in House Bill 246.)

Item 147 #2h

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$57,956,160	\$57,956,160	GF

Language:

Page 128, line 28, strike "\$1,279,045,675" and insert "\$1,337,001,835".

Page 128, line 28, strike "\$1,328,043,698" and insert "\$1,385,999,858".

Explanation:

(This amendment provides an additional \$58 million in each year of the biennium from the 1 cent portion of sales tax collections dedicated to public education from revenues generated through the elimination of certain sales tax exemptions.)

Item 147 #3h

Amendments to House Bill 5001, As Introduced

Education: Elementary & Secondary	FY 04-05	FY 05-06	
Direct Aid To Public Education	\$8,333,000	\$10,000,000	GF

Language:

Page 128, line 28, strike "\$1,279,045,675" and insert "\$1,287,378,675".

Page 128, line 28, strike "\$1,328,043,698" and insert "\$1,338,043,698".

Explanation:

(This amendment provides an additional \$18.3 million in the biennium from the 1 cent portion of sales tax collections dedicated to public education from revenues generated through the revised December 2003 sales tax estimate.)

Item 163 #1h

Education: Higher Education	FY 04-05	FY 05-06	
State Council Of Higher Education For Virginia	(\$1,835,443)	(\$2,685,094)	GF

Language:

Page 136, line 24, strike "\$47,525,465" and insert "\$45,690,022".

Page 136, line 24, strike "\$46,384,948" and insert "\$43,699,854".

Page 137, line 5, strike "\$39,891,082" and insert "\$38,055,639".

Page 137, line 6, strike "\$40,740,733" and insert "\$38,055,639".

Page 137, line 8, strike "Of the amounts cited in this".

Page 137, strike lines 9 through 15.

Explanation:

(This amendment removes the contingent funding for the Tuition Assistance Grant award.)

Item 163 #2h

Education: Higher Education	FY 04-05	FY 05-06	
State Council Of Higher Education For Virginia	(\$2,285,458)	(\$295,290)	GF
	-1.00	-1.00	FTE

Amendments to House Bill 5001, As Introduced

Language:

Page 136, line 24, strike "\$47,525,465" and insert "\$45,240,007".
Page 136, line 24, strike "\$46,384,948" and insert "\$46,089,658".
Page 138, strike lines 34 through 54.
Page 139 strike 1 through 25.

Explanation:

(This amendment removes funding for three new initiatives in the introduced budget for private college transfer grants, student participation and tuition waiver reimbursements to colleges. The tuition waiver reimbursements were contingent funds.)

Item 163 #3h

Education: Higher Education	FY 04-05	FY 05-06	
State Council Of Higher Education For Virginia	\$1,000,000	\$3,000,000	GF

Language:

Page 136, line 24, strike "\$47,525,465" and insert "\$48,525,465".
Page 136, line 24, strike "\$46,384,948" and insert "\$49,384,948".
Page 138, strike lines 18 through 20.
Page 138, line 21, strike "7" and insert "6".
Page 138, line, 24, strike "8" and insert "7".
Page 138, line 30, strike "9" and insert "8".

Explanation:

(This amendment provides additional funding for the Tuition Assistance Grant award to increase the award for undergraduate students to \$2,500 by the end of the biennium.)

Item 164 #1h

Education: Higher Education	FY 04-05	FY 05-06	
State Council Of Higher Education For Virginia	(\$183,660)	(\$95,140)	GF

Language:

Amendments to House Bill 5001, As Introduced

Page 139, line 27, strike "\$6,680,728" and insert "\$6,497,068".

Page 139, line 27, strike "\$6,592,208" and insert "\$6,497,068".

Page 140, strike lines 12 and 13.

Page 140, line 14, strike "b" and insert "a".

Page 140, strike lines 19 through 26.

Explanation:

(This amendment completes the phase out of funding for students attending optometry programs in other states and for tuition assistance grants for students on the eastern shore who attend the higher education institutions in Maryland.)

Item 164 #2h

Education: Higher Education

State Council Of Higher Education
For Virginia

Language

Language:

Page 139, line 52, after "1966.", insert:

"This plan shall include provision for the inclusion of an allocation to match investment earnings on endowments established in accordance with Item 230 D of this act."

Explanation:

(This amendment provides for an allocation of eminent scholar funds to the Virginia Community College System for endowments established by the State Board for Community Colleges under Item 230 D.)

Item 165 #1h

Education: Higher Education

State Council Of Higher Education
For Virginia

Language

Language:

Page 142, after line 55, insert:

"H. Pursuant to House Joint Resolution 197 of the 2004 Session of the General Assembly, the State Council of Higher Education shall consider the establishment of a public four-year degree-granting institution of higher education in South Central

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Virginia in developing its systemwide needs assessment plan for higher education in the Commonwealth. In its deliberations to develop the plan, the Council shall (i) collaborate with all interested parties and (ii) evaluate all available options, including, but not limited to, the creation of a branch campus of an existing institution in the South Central Virginia region. The State Council of Higher Education shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the requirements of this resolution no later than November 1, 2004. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website."

Explanation:

(This amendment is self-explanatory.)

Item 165 #2h

Education: Higher Education

FY 04-05

FY 05-06

State Council Of Higher Education
For Virginia

(\$546,986)

(\$546,986) GF

Language:

Page 140, line 38, strike "\$9,842,470" and insert "\$9,295,484".

Page 140, line 38, strike "\$9,848,424" and insert "\$9,301,438".

Page 140, strike lines 47 through 51.

Page 141, strike lines 1 through 14.

Page 141, line 15, strike "B" and insert "A".

Page 141, line 43, strike "C" and insert "B".

Page 141, line 55, strike "D" and insert "C".

Page 142, line 11, strike "E" and insert "D".

Page 142, line 45, strike "F" and insert "E".

Page 142, line 48, strike "G" and insert "F".

Explanation:

(This amendment eliminates funding for the Virginia Women's Institute for Leadership program at Mary Baldwin College.)

Item 168 #1h

Amendments to House Bill 5001, As Introduced

Education: Higher Education	FY 04-05	FY 05-06	
Christopher Newport University	(\$664,225)	(\$1,062,035)	GF
	(\$287,203)	(\$574,407)	NGF

Language:

- Page 143, line 29, strike "\$34,870,597" and insert "\$33,919,169".
- Page 143, line 29, strike "\$35,707,092" and insert "\$34,070,650".
- Page 143, line 39, strike "A."
- Page 143, strike lines 44 through 49.
- Page 144, strike lines 1 through 5.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 168 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Christopher Newport University	\$747,909	\$2,351,756	GF
	\$485,917	\$990,896	NGF

Language:

- Page 143, line 29, strike "\$34,870,597" and insert "\$36,104,423".
- Page 143, line 29, strike "\$35,707,092" and insert "\$39,049,744".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 172 #1h

Education: Higher Education	FY 04-05	FY 05-06	
The College Of William And Mary	(\$624,381)	(\$443,354)	GF
In Virginia	(\$507,980)	(\$751,768)	NGF

Amendments to House Bill 5001, As Introduced

Language:

Page 144, line 35, strike "\$100,624,631" and insert "\$99,492,270".

Page 144, line 35, strike "\$100,285,985" and insert "\$99,090,863".

Page 145, strike lines 23 through 34.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 172 #2h

Education: Higher Education

FY 04-05

FY 05-06

The College Of William And Mary
In Virginia

(\$403,250)

\$0 GF

Language:

Page 144, line 35, strike "\$100,624,631" and insert "\$100,221,381".

Page 145, strike lines 10 through 22.

Page 145, line 23, strike "D" and insert "C".

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 172 #3h

Education: Higher Education

FY 04-05

FY 05-06

The College Of William And Mary
In Virginia

\$553,250
\$1,344,791

\$650,000 GF
\$2,730,888 NGF

Language:

Page 144, line 35, strike "\$100,624,631" and insert "\$102,522,672".

Page 144, line 35, strike "\$100,285,985" and insert "\$103,666,873".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student

Amendments to House Bill 5001, As Introduced

financial aid is provided to address the potential increase in tuition and required fees.)

Item 176 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Richard Bland College	(\$63,000)	(\$63,000)	GF
	(\$44,000)	(\$44,000)	NGF

Language:

Page 146, line 34, strike "\$6,795,035" and insert "\$6,688,035".

Page 146, line 34, strike "\$6,814,478" and insert "\$6,707,478".

Page 146, strike lines 44 through 51.

Page 147, strike lines 1 through 3.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 176 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Richard Bland College	\$50,000	\$50,000	GF
	\$74,185	\$151,293	NGF

Language:

Page 146, line 34, strike "\$6,795,035" and insert "\$6,919,220".

Page 146, line 34, strike "\$6,814,478" and insert "\$7,015,771".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 180 #1h

Education: Higher Education	FY 04-05	FY 05-06
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Amendments to House Bill 5001, As Introduced

Virginia Institute Of Marine Science (\$50,000) (\$50,000) GF

Language:

Page 147, line 30, strike "\$17,727,904" and insert "\$17,677,904".

Page 147, line 30, strike "\$17,371,016" and insert "\$17,321,016".

Page 147, line 46, strike "\$280,000" and insert "\$230,000".

Page 148, line 1, strike "\$280,000" and insert "\$230,000".

Explanation:

(This amendment removes new funding provided in the 2003 Session of the General Assembly for a research and public service center at the Virginia Institute of Marine Science.)

Item 180 #2h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Institute Of Marine Science

(\$665,795)

(\$310,544) GF

Language:

Page 147, line 30, strike "\$17,727,904" and insert "\$17,062,109".

Page 147, line 30, strike "\$17,371,016" and insert "\$17,060,472".

Page 148, strike lines 11 through 20.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 180 #3h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Institute Of Marine Science

\$400,000

\$600,000 GF

Language:

Page 147, line 30, strike "\$17,727,904" and insert "\$18,127,904".

Page 147, line 30, strike "\$17,371,016" and insert "\$17,971,016".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education.)

Amendments to House Bill 5001, As Introduced

The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 182 #1h

Education: Higher Education	FY 04-05	FY 05-06	
George Mason University	(\$4,528,537)	(\$4,021,514)	GF
	(\$352,622)	(\$705,244)	NGF

Language:

Page 148, line 47, strike "\$215,677,704" and insert "\$210,796,545".

Page 148, line 47, strike "\$215,490,073" and insert "\$210,763,315".

Page 149, strike lines 28 through 39.

Page 149, line 40, strike "E" and insert "D".

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 182 #2h

Education: Higher Education	FY 04-05	FY 05-06	
George Mason University	\$139,352	\$150,200	GF
	\$129,703	\$139,800	NGF

Language:

Page 148, line 47, strike "\$215,677,704" and insert "\$215,946,759".

Page 148, line 47, strike "\$215,490,073" and insert "\$215,780,073".

Explanation:

(This amendment revises the operating and maintenance funding for the Prince William Academic III facility at George Mason University. An omission in House Bill 30, as introduced, resulted in insufficient funding being provided for George Mason University to cover the operating and maintenance costs associated with the opening of the Prince William III facility.)

Amendments to House Bill 5001, As Introduced

Item 182 #3h

Education: Higher Education	FY 04-05	FY 05-06	
George Mason University	(\$403,250)	\$0	GF

Language:

Page 148, line 47, strike "\$215,677,704" and insert "\$215,274,454".

Page 149, strike lines 40 through 52.

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 182 #4h

Education: Higher Education	FY 04-05	FY 05-06	
George Mason University	\$4,203,250	\$4,800,000	GF
	\$2,358,492	\$4,803,320	NGF

Language:

Page 148, line 47, strike "\$215,677,704" and insert "\$222,239,446".

Page 148, line 47, strike "\$215,490,073" and insert "\$225,093,393".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 186 #1h

Education: Higher Education	FY 04-05	FY 05-06	
James Madison University	(\$1,694,148)	(\$2,067,449)	GF
	(\$931,412)	(\$1,862,825)	NGF

Language:

Amendments to House Bill 5001, As Introduced

Page 150, line 31, strike "\$136,809,392" and insert "\$134,183,832".
 Page 150, line 31, strike "\$138,108,694" and insert "\$134,178,420".
 Page 150, strike lines 42 through 49.
 Page 151, strike lines 1 through 4.
 Page 151, line 5, strike "B."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 186 #2h

Education: Higher Education

	FY 04-05	FY 05-06	
James Madison University	\$1,235,845	\$2,475,216	GF
	\$2,196,450	\$4,464,375	NGF

Language:

Page 150, line 31, strike "\$136,809,392" and insert "\$140,241,687".
 Page 150, line 31, strike "\$138,108,694" and insert "\$145,048,285".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 190 #1h

Education: Higher Education

	FY 04-05	FY 05-06	
Longwood University	(\$134,000)	(\$285,242)	GF
	0.00	-2.00	FTE

Language:

Page 151, line 48, strike "\$32,086,391" and insert "\$31,952,391".
 Page 151, line 48, strike "\$32,427,726" and insert "\$32,142,484".
 Page 152, line 21, strike "\$68,929" and insert "\$34,929".
 Page 152, line 21, strike "and".

Amendments to House Bill 5001, As Introduced

Page 152, line 22, strike "\$68,929 the second year".
Page 152, line 24, strike "\$216,313" and insert "\$116,313".
Page 152, line 25, strike "and \$216,313 and 2.0 positions".
Page 152, line 26, strike "the second year".

Explanation:

(This amendment eliminates general fund support for two public service centers at Longwood University.)

Item 190 #2h

Education: Higher Education

Longwood University

FY 04-05

(\$546,620)

(\$147,601)

FY 05-06

(\$745,351) GF

(\$295,203) NGF

Language:

Page 151, line 48, strike "\$32,086,391" and insert "\$31,392,170".
Page 151, line 48, strike "\$32,427,726" and insert "\$31,387,172".
Page 152, strike lines 29 through 39.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 190 #3h

Education: Higher Education

Longwood University

FY 04-05

\$739,189

\$428,264

FY 05-06

\$3,061,706 GF

\$873,201 NGF

Language:

Page 151, line 48, strike "\$32,086,391" and insert "\$33,253,844".
Page 151, line 48, strike "\$32,427,726" and insert "\$36,362,633".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student

Amendments to House Bill 5001, As Introduced

financial aid is provided to address the potential increase in tuition and required fees.)

Item 194 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Mary Washington College	(\$409,437)	(\$409,437)	GF

Language:

Page 153, line 24, strike "\$36,497,598" and insert "\$36,088,161".

Page 153, line 24, strike "\$36,494,738" and insert "\$36,085,301".

Page 153, strike lines 35 through 44.

Page 153, line 45, strike "B."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 194 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Mary Washington College	\$200,000	\$200,000	GF
	\$648,005	\$1,317,252	NGF

Language:

Page 153, line 24, strike "\$36,497,598" and insert "\$37,345,603".

Page 153, line 24, strike "\$36,494,738" and insert "\$38,011,990".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 197 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Mary Washington College	(\$24,000)	(\$24,000)	GF

Amendments to House Bill 5001, As Introduced

Language:

Page 154, line 11, strike "\$586,309" and insert "\$562,309".

Page 154, line 11, strike "\$586,309" and insert "\$562,309".

Explanation:

(This amendment reduces state museum and cultural services funding by five percent in each year of the biennium.)

Item 200 #1h

Education: Higher Education

FY 04-05

FY 05-06

Norfolk State University

(\$165,550)

(\$85,400) GF

Language:

Page 155, line 14, strike "\$68,890,053" and insert "\$68,724,503".

Page 155, line 14, strike "\$69,247,068" and insert "\$69,161,668".

Page 156, strike lines 37 through 46.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 200 #2h

Education: Higher Education

FY 04-05

FY 05-06

Norfolk State University

\$100,000

\$100,000 GF

\$552,882

\$1,120,582 NGF

Language:

Page 155, line 14, strike "\$68,890,053" and insert "\$69,542,935".

Page 155, line 14, strike "\$69,247,068" and insert "\$70,467,650".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student

Amendments to House Bill 5001, As Introduced

financial aid is provided to address the potential increase in tuition and required fees.)

Item 204 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Old Dominion University	(\$22,500)	(\$45,000)	GF
	0.00	-1.00	FTE

Language:

Page 157, line 26, strike "\$145,939,158" and insert "\$145,916,658".

Page 157, line 26, strike "\$149,163,120" and insert "\$149,118,120".

Page 158, line 13, strike "\$45,000" and insert "\$22,500".

Page 158, line 14, strike "and \$45,000 and 1.00 position the second".

Page 158, line 15, strike "year".

Explanation:

(This amendment eliminates general fund support for a public service center at Old Dominion University.)

Item 204 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Old Dominion University	(\$4,792,981)	(\$6,408,254)	GF
	(\$2,008,944)	(\$4,017,887)	NGF

Language:

Page 157, line 26, strike "\$145,939,158" and insert "\$139,137,233".

Page 157, line 26, strike "\$149,163,120" and insert "\$138,736,979".

Page 158, strike lines 51 through 55.

Page 159, strike lines 1 through 7.

Page 159, line 8, strike "J." and insert "I."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 204 #3h

Education: Higher Education	FY 04-05	FY 05-06	
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Amendments to House Bill 5001, As Introduced

Old Dominion University (\$403,250) \$0 GF

Language:

Page 157, line 26, strike "\$145,939,158" and insert "\$145,535,908".
Page 159, strike lines 8 through 20.

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 204 #4h

Education: Higher Education	FY 04-05	FY 05-06	
Old Dominion University	\$3,828,668	\$7,134,380	GF
	\$1,217,322	\$2,477,780	NGF

Language:

Page 157, line 26, strike "\$145,939,158" and insert "\$150,985,148".
Page 157, line 26, strike "\$149,163,120" and insert "\$158,775,280".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 208 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Radford University	\$0	\$0	GF
	\$1,400,000	\$1,400,000	NGF

Language:

Page 160, line 25, strike "\$64,460,612" and insert "\$65,860,612".
Page 160, line 25, strike "\$65,754,529" and insert "\$67,154,529".

Amendments to House Bill 5001, As Introduced

Explanation:

(This amendment would provide additional nongeneral fund appropriations as a technical adjustment to align projected tuition revenues and appropriations. This amendment reflects actions previously taken by the Board of Visitors, not a tuition increase.)

Item 208 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Radford University	(\$75,000)	(\$50,000)	GF

Language:

Page 160, line 25, strike "\$64,460,612" and insert "\$64,385,612".
Page 160, line 25, strike "\$65,754,529" and insert "\$65,704,529".
Page 160, strike lines 51 through 54.
Page 161, strike lines 1 through 3.

Explanation:

(This amendment eliminates contingent funding for a new initiative in the introduced budget for the Virginia Economic Bridge program.)

Item 208 #3h

Education: Higher Education	FY 04-05	FY 05-06	
Radford University	(\$787,986)	(\$1,484,543)	GF
	(\$630,828)	(\$1,261,657)	NGF

Language:

Page 160, line 25, strike "\$64,460,612" and insert "\$63,041,798".
Page 160, line 25, strike "\$65,754,529" and insert "\$63,008,329".
Page 160, strike lines 40 through 50.
Page 160, line 57, strike "C." and insert "B."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 208 #4h

Amendments to House Bill 5001, As Introduced

Education: Higher Education	FY 04-05	FY 05-06	
Radford University	\$1,147,065	\$3,563,664	GF
	\$806,716	\$1,642,776	NGF

Language:

Page 160, line 25, strike "\$64,460,612" and insert "\$66,414,393".

Page 160, line 25, strike "\$65,754,529" and insert "\$70,960,969".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 212 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Southwest Virginia Higher Education Center	(\$100,000)	(\$100,000)	GF

Language:

Page 161, line 37, strike "\$1,875,458" and insert "\$1,775,458".

Page 161, line 37, strike "\$1,875,753" and insert "\$1,775,753".

Page 161, strike lines 42 through 47.

Explanation:

(This amendment removes contingent funding in the introduced budget for the Southwest Virginia Higher Education Center.)

Item 212 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Southwest Virginia Higher Education Center	\$50,000	\$150,000	GF

Language:

Amendments to House Bill 5001, As Introduced

Page 161, line 37, strike "\$1,875,458" and insert "\$1,925,458".

Page 161, line 37, strike "\$1,875,753" and insert "\$2,025,753".

Explanation:

(This amendment provides for increased operating support for the Southwest Virginia Higher Education Center.)

Item 213 #1h

Education: Higher Education

University Of Virginia

Language

Language:

Page 164, line 55, strike "Such" and insert "Annual contributions to such".

Page 164, line 56, strike "two" and insert "three".

Page 164, line 58, after "revenues", insert:

"for which such reserves are established".

Page 165, after line 9, insert:

"4. The Comptroller of Virginia shall credit, on a monthly basis, to the special reserve account fund detail for such reserve funds, the imputed interest earned by the investment of such reserve balances on deposit with the State Treasurer."

Explanation:

(This amendment is self-explanatory.)

Item 213 #2h

Education: Higher Education

University Of Virginia

FY 04-05

(\$100,000)

FY 05-06

(\$200,000) GF

Language:

Page 162, line 8, strike "\$362,362,301" and insert "\$362,262,301".

Page 162, line 8, strike "\$372,357,689" and insert "\$372,157,689".

Page 163, line 10, strike "\$561,345" and insert "\$461,345".

Page 163, line 12, strike "\$561,345" and insert "\$361,345".

Explanation:

(This amendment phases out the generalist medicine initiative at the University of

Amendments to House Bill 5001, As Introduced

Virginia medical school.)

Item 213 #3h

Education: Higher Education	FY 04-05	FY 05-06	
University Of Virginia	(\$88,500)	(\$218,258)	GF

Language:

Page 162, line 8, strike "\$362,362,301" and insert "\$362,273,801".

Page 162, line 8, strike "\$372,357,689" and insert "\$372,139,431".

Page 164, line 15, strike "\$408,000" and insert "\$364,500".

Page 164, line 16, strike "\$408,000" and insert "\$281,272".

Page 164, line 37, strike "\$210,000" and insert "\$165,000".

Page 164, line 38, strike "\$210,000" and insert "\$118,470".

Explanation:

(This amendment reduces or eliminates general fund support for two public service centers at the University of Virginia.)

Item 213 #4h

Education: Higher Education	FY 04-05	FY 05-06	
University Of Virginia	(\$2,726,300)	(\$943,349)	GF
	(\$377,892)	(\$755,783)	NGF

Language:

Page 162, line 8, strike "\$362,362,301" and insert "\$359,258,109".

Page 162, line 8, strike "\$372,357,689" and insert "\$370,658,557".

Page 165, strike lines 10 through 21.

Page 165, line 22, strike "N." and insert "M."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 213 #5h

Education: Higher Education	FY 04-05	FY 05-06	
University Of Virginia	(\$403,250)	\$0	GF

Amendments to House Bill 5001, As Introduced

Language:

Page 162, line 8, strike "\$362,362,301" and insert "\$361,959,051".

Page 165, strike lines 22 through 34.

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 213 #6h

Education: Higher Education

University Of Virginia

FY 04-05

\$1,053,250

\$3,569,949

FY 05-06

\$1,400,000

\$7,254,207

GF

NGF

Language:

Page 162, line 8, strike "\$362,362,301" and insert "\$366,985,500".

Page 162, line 8, strike "\$372,357,689" and insert "\$381,011,896".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 213 #7h

Education: Higher Education

University Of Virginia

Language

Language:

Page 162, line 24, after "programs.", insert:

"It is the intent of the General Assembly that each resident supported by the family practice resident program regardless of location shall be equally funded from this appropriation."

Page 162, line 27, after "grant.", insert:

"Administrative costs recovered from this program shall be limited to 2.50 percent."

Amendments to House Bill 5001, As Introduced

Explanation:

(This amendment is self-explanatory.)

Item 221 #1h

Education: Higher Education	FY 04-05	FY 05-06	
University Of Virginia's College At Wise	(\$221,112)	(\$221,112)	GF

Language:

Page 167, line 32, strike "\$14,138,535" and insert "\$13,917,423".

Page 167, line 32, strike "\$14,135,756" and insert "\$13,914,644".

Page 167, strike lines 42 through 51.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 221 #2h

Education: Higher Education	FY 04-05	FY 05-06	
University Of Virginia's College At Wise	\$360,000	\$360,000	GF
	\$148,280	\$302,278	NGF

Language:

Page 167, line 32, strike "\$14,138,535" and insert "\$14,646,815".

Page 167, line 32, strike "\$14,135,756" and insert "\$14,798,034".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 225 #1h

Education: Higher Education

Virginia Commonwealth University

Language

Language:

Page 169, line 39, strike "\$137,500" and insert "\$262,500".

Page 169, line 40, strike "\$137,500" and insert "\$262,500".

Explanation:

(This amendment is a technical adjustment to reflect the funding level for the Center on Aging and the Alzheimer's Research Award Fund. The funding was included in the budget, as introduced; however, the language which sets this amount out in the item was incorrect.)

Item 225 #2h

Education: Higher Education

Virginia Commonwealth University

Language

Language:

Page 169, line 11, after "programs.", insert:

"In the event the Governor imposes budget reductions, pursuant to executive authority contained in § 4-1.04 of this act, the general fund appropriation for Family Practice shall be exempt from any reduction, provided that the general fund appropriation for Family Practice is excluded from the general fund base used in determining the University's portion of the statewide general fund reduction requirement."

Page 169, line 13, after "grant.", insert:

"Administrative costs recovered from this program shall be limited to 2.50 percent."

Explanation:

(This amendment is self-explanatory.)

Item 225 #3h

Education: Higher Education

Virginia Commonwealth University

FY 04-05

(\$150,000)

FY 05-06

(\$300,000) GF

Language:

Page 168, line 43, strike "\$316,689,832" and insert "\$316,539,832".

Amendments to House Bill 5001, As Introduced

Page 168, line 43, strike "\$328,929,473" and insert "\$328,629,473".

Page 169, line 43, strike "\$887,688" and insert "\$737,688".

Page 169, line 45, strike "\$887,688" and insert "\$587,688".

Explanation:

(This amendment phases out the generalist medicine initiative at the Virginia Commonwealth University medical school.)

Item 225 #4h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Commonwealth University	(\$80,000)	(\$161,500)	GF

Language:

Page 168, line 43, strike "\$316,689,832" and insert "\$316,609,832".

Page 168, line 43, strike "\$328,929,473" and insert "\$328,767,973".

Page 171, line 24, strike "\$225,000" and insert "\$175,000".

Page 171, line 25, strike "\$225,000" and insert "\$112,500".

Page 171, line 28, strike "\$97,500" and insert "\$67,500".

Page 171, line 29, strike "\$97,500" and insert "\$48,500".

Explanation:

(This amendment phase out general fund support for two public service centers at Virginia Commonwealth University.)

Item 225 #5h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Commonwealth University	(\$3,682,575)	(\$1,956,251)	GF
	(\$220,573)	(\$441,145)	NGF

Language:

Page 168, line 43, strike "\$316,689,832" and insert "\$312,786,684".

Page 168, line 43, strike "\$328,929,473" and insert "\$326,532,077".

Page 172, strike lines 41 through 52.

Page 172, line 53, strike "P." and insert "O."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Amendments to House Bill 5001, As Introduced

Item 225 #6h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Commonwealth University	(\$403,250)	\$0	GF

Language:

Page 168, line 43, strike "\$316,689,832" and insert "\$316,286,582".

Page 172, strike lines 53 through 58.

Page 173, strike lines 1 through 7.

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 225 #7h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Commonwealth University	\$1,849,693	\$2,811,934	GF
	\$2,197,208	\$4,475,368	NGF

Language:

Page 168, line 43, strike "\$316,689,832" and insert "\$320,736,733".

Page 168, line 43, strike "\$328,929,473" and insert "\$336,216,775".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 230 #1h

Education: Higher Education	
Virginia Community College System	

Language

Amendments to House Bill 5001, As Introduced

Language:

Page 178, after line 26, insert:

"T. The VCCS is authorized to generate and retain tuition and fees in excess of those provided in § 4-2.01 b herein in order to support the achievement of *Dateline 2009*, the strategic plan approved by the State Board for Community Colleges. These funds, in addition to the VCCS Technology Fee, shall not revert to the surplus of the general fund at the end of the fiscal year and/or biennium, and shall be available for expenditure no later than October 1 of each subsequent fiscal year. These funds shall be used in the calculation of base budget adequacy needs in the same manner as other tuition and fees collected by four-year institutions."

Explanation:

(This amendment would allow the Virginia Community College System to retain any unspent nongeneral fund revenue from tuition and fees and requires that the funds be made available for expenditure by October 1 of the following fiscal year.)

Item 230 #2h

Education: Higher Education

Virginia Community College
System

FY 04-05
(\$14,503,553)
(\$3,384,793)

FY 05-06
(\$20,885,499) GF
(\$6,769,586) NGF

Language:

Page 174, line 20, strike "\$506,981,339" and insert "\$489,092,993".

Page 174, line 20, strike "\$517,392,172" and insert "\$489,737,087".

Page 175, strike lines 2 through 13.

Page 175, line 14, strike "F" and insert "E".

Page 175, line 20, strike "G" and insert "F".

Page 175, line 36, strike "H" and insert "G".

Page 175, line 40, strike "I" and insert "H".

Page 175, line 52, strike "J" and insert "I".

Page 176, line 1, strike "K" and insert "J".

Page 176, line 6, strike "L" and insert "K".

Page 176, line 20, strike "M" and insert "L".

Page 177, line 8, strike "N" and insert "M".

Page 177, line 20, strike "O" and insert "N".

Page 177, line 39, strike "P" and insert "O".

Page 177, line 58, strike "Q" and insert "P".

Amendments to House Bill 5001, As Introduced

Page 178, line 11, strike "R" and insert "Q".

Page 178, line 21, strike "S" and insert "R".

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 230 #3h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Community College
System

\$13,582,024
\$6,550,399

\$22,062,919 GF
\$13,355,693 NGF

Language:

Page 174, line 20, strike "\$506,981,339" and insert "\$527,113,762".

Page 174, line 20, strike "\$517,392,172" and insert "\$552,810,784".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 237 #1h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Military Institute

(\$347,050)
(\$606,835)

(\$347,050) GF
(\$606,835) NGF

Language:

Page 179, line 32, strike "\$23,286,222" and insert "\$22,332,337".

Page 179, line 32, strike "\$23,287,948" and insert "\$22,334,063".

Page 179, strike lines 43 through 53.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Amendments to House Bill 5001, As Introduced

Item 237 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Military Institute	\$100,000	\$100,000	GF
	\$254,455	\$515,272	NGF

Language:

Page 179, line 32, strike "\$23,286,222" and insert "\$23,640,677".

Page 179, line 32, strike "\$23,287,948" and insert "\$23,903,220".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 240 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Military Institute	(\$204,201)	(\$199,660)	GF

Language:

Page 180, line 16, strike "\$5,314,037" and insert "\$5,109,836".

Page 180, line 16, strike "\$5,314,037" and insert "\$5,114,377".

Explanation:

(This amendment eliminates funding for unique military activities associated with the Virginia Women's Institute for Leadership program at Mary Baldwin College.)

Item 242 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia Polytechnic Institute And State University	(\$100,000)	(\$190,000)	GF

Amendments to House Bill 5001, As Introduced

Language:

- Page 181, line 28, strike "\$362,411,049" and insert "\$362,311,049".
- Page 181, line 28, strike "\$361,243,110" and insert "\$361,053,110".
- Page 182, strike lines 12 through 15.
- Page 182, line 16, strike "F." and insert "E."
- Page 182, line 20, strike "G." and insert "F."
- Page 182, line 20, strike "\$512,013" and insert "\$427,013".
- Page 182, line 21, strike "\$512,013" and insert "\$337,013".
- Page 182, line 26, strike "H." and insert "G."
- Page 182, line 38, strike "I." and insert "H."

Explanation:

(This amendment reduces or eliminates general fund support for two research and public service centers at Virginia Tech.)

Item 242 #2h

Education: Higher Education

Virginia Polytechnic Institute And
State University

FY 04-05

(\$2,517,901)
(\$657,842)

FY 05-06

(\$976,551) GF
(\$1,315,685) NGF

Language:

- Page 181, line 28, strike "\$362,411,049" and insert "\$359,235,306".
- Page 181, line 28, strike "\$361,243,110" and insert "\$358,950,874".
- Page 182, strike lines 26 through 37.
- Page 182, line 38, strike "I." and insert "H."

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 242 #3h

Education: Higher Education

Virginia Polytechnic Institute And
State University

FY 04-05

(\$403,250)

FY 05-06

\$0 GF

Language:

- Page 181, line 28, strike "\$362,411,049" and insert "\$362,007,799".

Amendments to House Bill 5001, As Introduced

Page 182, strike lines 38 through 50.

Explanation:

(This amendment removes contingent funding for an advanced communications network in the introduced budget.)

Item 242 #4h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Polytechnic Institute And
State University

\$1,003,250
\$4,585,556

\$1,475,000
\$9,323,235

GF
NGF

Language:

Page 181, line 28, strike "\$362,411,049" and insert "\$367,999,855".

Page 181, line 28, strike "\$361,243,110" and insert "\$372,041,345".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 246 #1h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Cooperative Extension And
Agricultural Experiment Station

(\$556,980)

(\$831,980)

GF

Language:

Page 184, line 39, strike "\$71,748,805" and insert "\$71,191,825".

Page 184, line 39, strike "\$72,023,805" and insert "\$71,191,825".

Page 185, strike lines 19 through 26.

Explanation:

(This amendment eliminates contingent funding for a new initiative in the introduced budget for high-value crops research.)

Amendments to House Bill 5001, As Introduced

Item 247 #1h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia State University	(\$420,538)	(\$319,038)	GF

Language:

Page 185, line 43, strike "\$46,022,902" and insert "\$45,602,364".

Page 185, line 43, strike "\$45,978,142" and insert "\$45,659,104".

Page 186, strike lines 44 through 53.

Explanation:

(This amendment removes contingent funding in the introduced budget.)

Item 247 #2h

Education: Higher Education	FY 04-05	FY 05-06	
Virginia State University	\$337,727	\$659,396	GF
	\$519,085	\$1,054,227	NGF

Language:

Page 185, line 43, strike "\$46,022,902" and insert "\$46,879,714".

Page 185, line 43, strike "\$45,978,142" and insert "\$47,691,765".

Explanation:

(This amendment provides additional general funds and nongeneral fund authority to address base operating needs and student enrollment for undergraduate education. The additional nongeneral funds do not require tuition and required fee increases for in-state undergraduate students to exceed four percent each year. Additional student financial aid is provided to address the potential increase in tuition and required fees.)

Item 253 #1h

Education: Other	FY 04-05	FY 05-06	
Gunston Hall	(\$25,000)	(\$25,000)	GF

Language:

Page 189, line 2, strike "\$863,261" and insert "\$838,261".

Page 189, line 2, strike "\$863,579" and insert "\$838,579".

Explanation:

(This amendment reduces state museum and cultural services funding by five percent in each year of the biennium.)

Item 255 #1h

Education: Other

Jamestown 2007

Language

Language:

Page 192, after line 18, insert:

"G. Except as provided otherwise in this paragraph, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq., Code of Virginia) shall not apply to the expenditure of funds from the Virginia 400th Anniversary Fund. However, the provisions of this paragraph shall not be effective until such time as the Board of Trustees of the Jamestown-Yorktown Foundation has adopted guidelines generally applicable to the procurement of goods and services by the Jamestown-Yorktown Foundation and Jamestown 2007 through the expenditure of funds from the Virginia 400th Anniversary Fund. The guidelines shall implement a system of competitive negotiation for professional services; shall prohibit discrimination because of race, religion, color, sex or national origin of the bidder or offeror in the solicitation or award of contracts; may take into account in all cases the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; may implement a prequalification procedure for contractors or products; may include provisions for cooperative procurement arrangements; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, Code of Virginia; and may implement provisions of law. The following sections of the Virginia Public Procurement Act shall continue to apply to procurement by the Jamestown-Yorktown Foundation and Jamestown 2007 with funds from the Virginia 400th Anniversary Fund: §§ 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4340 through 2.2-4342, and 2.2-4367 through 2.2-4377, Code of Virginia."

Explanation:

(This amendment exempts Virginia 400th Anniversary Fund expenditures from most of the provisions of the Virginia Public Procurement Act. The Amendment will allow Jamestown 2007 and the Jamestown-Yorktown Foundation to use the Fund to

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contract with corporate sponsors for events commemorating Jamestown's 400th anniversary.)

Item 255 #2h

Education: Other

Jamestown 2007

Language

Language:

Page 190, line 21, after "below.", insert:

"Included in the appropriation for this item is \$200,000 the first year and \$200,000 the second year to support the "See Virginia First" cooperative advertising program operated by the Virginia Association of Broadcasters. The Virginia Association of Broadcasters shall work with the Virginia Tourism Authority and the Jamestown-Yorktown Foundation to develop advertising designed to support statewide promotional activities associated with the commemoration of the 400th anniversary of the Jamestown Settlement in 2007."

Explanation:

(This amendment provides \$200,000 each year from the dedicated special revenue provided to Jamestown 2007 to support the "See Virginia First" cooperative advertising program operated by the Virginia Association of Broadcasters as part of the statewide effort to promote activities associated with the celebration of Jamestown 2007.)

Item 255 #3h

Education: Other

Jamestown 2007

FY 04-05

\$500,000

FY 05-06

\$500,000 NGF

Language:

Page 190, line 8, strike "\$5,265,025" and insert "\$5,765,025".

Page 190, line 8, strike "\$5,522,025" and insert "\$6,022,025".

Page 191, line 42, strike "\$3,000,000" and insert "\$3,500,000".

Page 191, line 51, strike "\$3,000,000" and insert "\$3,500,000".

Page 191, line 51, strike "\$5,000,000" and insert "\$5,500,000".

Page 192, line 2, strike "\$5,000,000" and insert "\$5,500,000".

Explanation:

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(This amendment adjusts the distribution of funding generated by the existing \$1.00 Jamestown 2007 fee to ensure continued support for Jamestown 2007 and DMV and reflects an updated forecast of the revenues generated from this fee.)

Item 255 #4h

Education: Other	FY 04-05	FY 05-06
Jamestown 2007	\$250,000	\$0 GF

Language:

Page 190, line 8, strike "\$5,265,025" and insert "\$5,515,025".

Page 191, after line 26, insert:

"F. Out of these amounts shall be provided \$250,000 the first year from the general fund to the Virginia Foundation for the Humanities and Public Policy to develop an on-line encyclopedia of Virginia history and culture to be debuted in 2007 as part of the observance of the 400th anniversary of the English landing at Jamestown. It will chronicle the state's history, politics and geography; describe the state's heritage in religion, arts, culture, and folklife; provide information on science, medicine, education, business and technology; and interpret the state's significance to Virginians, the nation and the world."

Explanation:

(This amendment directs that \$250,000 the first year from Jamestown 2007 be used for an on-line encyclopedia of Virginia history and culture to be debuted in 2007 as part of the observance of the 400th anniversary of the English landing at Jamestown. It will chronicle the state's history, politics and geography; describe the state's heritage in religion, arts, culture, and folklife; provide information on science, medicine, education, business and technology; and interpret the state's significance to Virginians, the nation and the world.)

Item 256 #1h

Education: Other

The Library Of Virginia

Language

Language:

Page 192, line 42, before "It", insert "A."

Page 192, after line 45, insert:

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"B. The Library of Virginia shall, with due diligence and dispatch, make such operating adjustments as are necessary and prudent to provide proper care for the Library's records and collections, having regard for the capacities and limitations of the Library building's physical plant. Such adjustments may include, but need not be limited to, relocating materials on and among floors of the building or elsewhere including without limitation the Library's Records Center and redeploying and adjusting staff work areas and conditions. The operating plans to accomplish any changes, as well as the implementation of such plans, shall be reported to the Secretaries of Education and Administration no later than August 1, 2004."

Explanation:

(This amendment is self-explanatory.)

Item 259 #1h

Education: Other

The Library Of Virginia

Language

Language:

Page 194, line 11, after "Internet.", insert:

"However, the local libraries shall take steps to ensure that Internet access is not used to view pornographic material."

Explanation:

(This amendment is self-explanatory.)

Item 260 #1h

Education: Other

The Library Of Virginia

Language

Language:

Page 194, delete lines 14 through 18 and insert "Omitted."

Explanation:

(This amendment removes language included in the introduced budget that could redirect state aid to local libraries for state library purchases of electronic databases.)

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Item 261 #1h

Education: Other	FY 04-05	FY 05-06	
The Science Museum Of Virginia	(\$150,000)	(\$150,000)	GF

Language:

Page 194, line 27, strike "\$8,765,003" and insert "\$8,615,003".

Page 194, line 27, strike "\$8,766,329" and insert "\$8,616,329".

Explanation:

(This amendment reduces state museum and cultural services funding by five percent in each year of the biennium.)

Item 261 #2h

Education: Other	FY 04-05	FY 05-06	
The Science Museum Of Virginia	\$150,000	\$150,000	GF

Language:

Page 194, line 27, strike "\$8,765,003" and insert "\$8,915,003".

Page 194, line 27, strike "\$8,766,329" and insert "\$8,916,329".

Page 194, after line 48, insert:

"D. Out of this appropriation, \$150,000 each year from the general fund shall be transferred to the Science Museum of Western Museum to support the development of a collaborative science education program in support of the Standards of Learning."

Explanation:

(This amendment provides funding for the development of a collaborative program between the Science Museum of Virginia and the Science Museum of Western Virginia.)

Item 262 #1h

Education: Other	FY 04-05	FY 05-06	
Virginia Commission For The Arts	(\$210,000)	(\$430,000)	GF

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Language:

Page 195, line 9, strike "\$3,172,435" and insert "\$2,962,435".

Page 195, line 9, strike "\$3,392,435" and insert "\$2,962,435".

Page 195, strike lines 27 through 33.

Explanation:

(This amendment removes contingent funding provided in the introduced budget.)

Item 264 #1h

Education: Other

FY 04-05

FY 05-06

Virginia Museum Of Fine Arts

(\$133,333)

(\$133,333) GF

Language:

Page 196, line 2, strike "\$14,393,737" and insert "\$14,260,404".

Page 196, line 2, strike "\$14,399,240" and insert "\$14,265,907".

Explanation:

(This amendment reduces state museum and cultural services funding by five percent in each year of the biennium.)

Item 265 #1h

Education: Higher Education

FY 04-05

FY 05-06

Eastern Virginia Medical School

(\$100,000)

(\$200,000) GF

Language:

Page 196, line 36, strike "\$11,847,875" and insert "\$11,747,875".

Page 196, line 36, strike "\$11,847,875" and insert "\$11,647,875".

Page 197, line 16, strike "\$629,761" and insert "\$529,761".

Page 197, line 18, strike "\$629,761" and insert "\$429,761".

Explanation:

(This amendment phases out the generalist medicine initiative at Eastern Virginia Medical School.)

Item 267 #1h

Education: Higher Education

Institute For Advanced Learning
And Research

Language

Language:

Page 198, strike lines 44 through 50.
Page 199, line 1, strike "B" and insert "A".
Page 199, line 3, strike "\$500,000" and insert "\$2,500,000".

Explanation:

(This amendment eliminates the contingency language in the introduced budget for the Institute for Advanced Learning and Research.)

Item 268 #1h

Education: Higher Education

Roanoke Higher Education
Authority

FY 04-05

(\$100,000)

FY 05-06

(\$100,000) GF

Language:

Page 199, line 21, strike "\$618,075" and insert "\$518,075".
Page 199, line 21, strike "\$618,075" and insert "\$518,075".
Page 199, strike lines 43 through 50.

Explanation:

(This amendment removes contingent funding in the introduced budget for the Roanoke Higher Education Authority.)

Item 268 #2h

Education: Higher Education

Roanoke Higher Education
Authority

Language

Language:

Page 199, strike lines 27 and 28.
Page 199, line 29, strike "C." and insert "B."
Page 199, line 43, strike "B." and insert "C."

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Explanation:

(This amendment is a technical language change. It removes a new requirement to disburse the appropriations for this agency in twelve equal monthly installments each fiscal year.)

Item 268 #3h

Education: Higher Education

FY 04-05

FY 05-06

Roanoke Higher Education
Authority

\$50,000

\$150,000 GF

Language:

Page 199, line 21, strike "\$618,075" and insert "\$668,075".

Page 199, line 21, strike "\$618,075" and insert "\$768,075".

Explanation:

(This amendment provides for increased operating support at the Roanoke Higher Education Authority.)

Item 270 #1h

Education: Higher Education

Virginia College Building Authority

Language

Language:

Page 201, line 37, strike the second "\$2,892,578" and insert "\$4,642,578".

Explanation:

(This amendment provides an additional allocation in the second year from the higher education equipment trust fund for classroom furnishings and equipment at the new Prince William III campus of George Mason University.)

Item 270 #2h

Education: Higher Education

Virginia College Building Authority

Language

Amendments to House Bill 5001, As Introduced

Language:

Page 201, line 50, strike the second "\$1,023,763" and insert "\$3,023,763".

Explanation:

(This amendment provides an additional allocation in the second year from the higher education equipment trust fund for classroom furnishings and equipment for the RISE I facility at Norfolk State University expected to be completed in 2005.)

Item 270 #3h

Education: Higher Education

Virginia College Building Authority

Language

Language:

Page 202, line 4, strike "\$500,000" and insert "\$2,500,000".

Explanation:

(This amendment provides an additional allocation in the second year from the higher education equipment trust fund program for the Institute for Advanced Learning and Research in order to fully equip the facility.)

Item 274 #1h

Finance

Department Of Accounts

FY 04-05

(\$2,460,000)

-13.00

FY 05-06

(\$3,280,000)

-18.00

GF

FTE

Language:

Page 204, line 7, strike "\$5,757,749" and insert "\$3,297,749".

Page 204, line 7, strike "\$6,577,749" and insert "\$3,297,749".

Explanation:

(This amendment eliminates the general fund dollars and positions provided to the Department of Accounts for the performance of school efficiency reviews. These school efficiency reviews are designed to improve local school divisions' use of private sector best management practices in administrative functions such as transportation and building operations. However, there is no requirement that school

Amendments to House Bill 5001, As Introduced

divisions submit to such reviews. Legislation authorizing this program failed to report out of the House Appropriations Committee.)

Item 279 #1h

Finance	FY 04-05	FY 05-06	
Department Of Accounts Transfer Payments	(\$3,050,000)	(\$4,250,000)	GF

Language:

Page 206, line 3, strike "\$58,100,000" and insert "\$55,050,000".

Page 206, line 3, strike "\$59,300,000" and insert "\$55,050,000".

Explanation:

(This amendment maintains the distribution of profits to localites from the sale of alcoholic beverages at the fiscal year 2004 level.)

Item 279 #2h

Finance	FY 04-05	FY 05-06	
Department Of Accounts Transfer Payments	(\$450,000)	(\$450,000)	GF

Language:

Page 206, line 3, strike "\$58,100,000" and insert "\$57,650,000".

Page 206, line 3, strike "\$59,300,000" and insert "\$58,850,000".

Explanation:

(This amendment maintains the distribution of wine taxes to localites at the fiscal year 2004 level.)

Item 280 #1h

Finance	FY 04-05	FY 05-06	
Department Of Accounts Transfer Payments	\$0	\$15,000,000	GF

Amendments to House Bill 5001, As Introduced

Language:

Page 207, line 10, strike "\$87,000,000" and insert "\$102,000,000".

Page 207, line 14, before "Out", insert "A."

Page 207, after line 20, insert:

"B. In addition to the amounts included in paragraph A, \$15,000,000 the second year from the general fund shall be paid into the Revenue Stabilization Fund representing an additional payment."

Explanation:

(This amendment provides an additional deposit to the Revenue Stabilization Fund of \$15 million in 2006, resulting in a projected balance of approximately \$365.0 million or about 40 percent of the fund's balance in 2002.)

Item 280 #2h

Finance	FY 04-05	FY 05-06	
Department Of Accounts Transfer Payments	\$0	(\$87,000,000)	GF

Language:

Page 207, line 10, strike "\$87,000,000" and insert "\$0".

Page 207, strike lines 14 through 20 and insert:

"If the Auditor of Public Account's certification of the required deposit to the revenue stabilization fund attributable to actual tax collections for fiscal year 2004 exceeds the \$87.0 million deposited into the fund in fiscal year 2004 pursuant to House Bill 29 of the 2004 General Assembly, the incremental amount required to meet the actual required deposit as certified by the Auditor of Public Accounts shall be deposited into the Revenue Stabilization Fund by no later than June 30, 2006.

Explanation:

(This amendment removes the deposit of \$87.0 million to the Rainy Day Fund that is required based on estimates of Fiscal Year 2004 revenues. This deposit was made in FY 2004 pursuant to House Bill 29 adopted by the 2004 General Assembly.)

Item 283 #1h

Finance	FY 04-05	FY 05-06	
Department Of Planning And	(\$300,000)	(\$300,000)	GF

Amendments to House Bill 5001, As Introduced

Budget

Language:

Page 208, line 23, strike "\$5,551,734" and insert "\$5,251,734".

Page 208, line 23, strike "\$5,586,983" and insert "\$5,286,983".

Explanation:

(This amendment reduces the level of general fund support provided to the Department of Planning and Budget by \$300,000 each year. This amount represents a base budget adjustment that was included to support costs associated with the agency's ongoing assistance to the Council on Virginia's Future. The original source of these general fund dollars was the Governor's economic contingency fund found in Central Appropriations.)

Item 286 #1h

Finance	FY 04-05	FY 05-06	
Department Of Taxation	(\$3,446,321)	(\$1,835,207)	GF
	-22.00	-22.00	FTE

Language:

Page 210, line 11, strike "\$47,996,407" and insert "\$44,550,086".

Page 210, line 11, strike "\$47,903,407" and insert "\$46,068,200".

Explanation:

(This amendment eliminates the general fund dollars included in the introduced budget for implementation of the Governor's tax proposal. The general fund dollars were to have paid for an additional 22 positions, information system modifications, and other nonpersonal services.)

Item 286 #2h

Finance	FY 04-05	FY 05-06	
Department Of Taxation	(\$579,499)	(\$579,499)	GF
	-12.00	-12.00	FTE

Language:

Amendments to House Bill 5001, As Introduced

Page 210, line 11, strike "\$47,996,407" and insert "\$47,416,908".
Page 210, line 11, strike "\$47,903,407" and insert "\$47,323,908".

Explanation:

(This amendment reduces funding and positions associated with the tax amnesty program conducted in the fall of 2003.)

Item 290 #1h

Finance	FY 04-05	FY 05-06
Department Of The Treasury	\$750,000	\$0 GF

Language:

Page 216, line 33, strike "\$7,387,807" and insert "\$8,137,807".

Page 216, after line 54, insert:

"C.1 Out of the amounts appropriated for Insurance Services, there shall be paid for the relief of Julius Earl Ruffin from the general fund, upon execution of a release of all present and future claims he may have against (i) the Commonwealth or any instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159, Code of Virginia, and (iii) all other parties of interest, (a) the sum of \$250,000 to be paid to Julius Earl Ruffin on or before August 1, 2004, by check issued by the State Treasurer on warrant of the Comptroller and (b) the sum of \$500,000 to purchase an annuity for the primary benefit of Julius Earl Ruffin providing for equal monthly payments for a period of twenty years commencing on or before September 1, 2004.

2. The State Treasurer shall purchase the annuity for Julius Earl Ruffin at the lowest cost available from any A+ rated company, including any A+ rated company from which the State Lottery Department may purchase an annuity. Such annuity shall contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of Julius Earl Ruffin."

Explanation:

(This amendment provides \$750,000 in general fund support to the Department of the Treasury's Division of Risk Management for the compensation of Julius Earl Ruffin. Mr. Ruffin served 21 years in prison for a crime he did not commit. The total compensation included in this amendment includes a lump sum payment of \$250,000 and \$500,000 for the purchase of a 20-year annuity.)

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Item 296 #1h

Finance	FY 04-05	FY 05-06	
Treasury Board	(\$2,475,875)	(\$2,503,695)	GF

Language:

Page 220, line 36, strike "\$299,294,769" and insert "\$296,818,894".

Page 220, line 36, strike "\$345,609,242" and insert "\$343,105,547".

Page 224, line 3, strike "\$7,523,468" and insert "\$7,347,593".

Page 224, line 3, strike "\$28,601,563" and insert "\$28,097,868".

Page 224, line 6, strike "\$1,494,938" and insert "\$1,319,063".

Page 224, line 6, strike "\$10,054,633" and insert "\$9,550,938".

Explanation:

(This amendment reduces debt service for three previously issued Virginia Public Building Authority bonds due to projected refunding that will take advantage of lower interest rates on the Authority's Series 1994A, 1995, and 1997 bonds. A portion of the debt service savings is also due to a lower debt service amount required for the State Agency Radio System (STARS) project, which is also due to a lower interest rate than originally projected.)

Item 296 #2h

Finance	FY 04-05	FY 05-06	
Treasury Board	\$5,000,000	\$17,500,000	GF

Language:

Page 220, line 36, strike "\$299,294,769" and insert "\$304,294,769".

Page 220, line 36, strike "\$345,609,242" and insert "\$363,109,242".

Explanation:

(This amendment provides additional debt service for the first two years of the Building Systems Repair and Replacement Fund included under Item C-194.10.)

Item 296 #3h

Amendments to House Bill 5001, As Introduced

Finance	FY 04-05	FY 05-06	
Treasury Board	(\$476,000)	(\$1,205,000)	GF
	\$476,000	\$1,205,000	NGF

Language:

Page 223, after line 32, insert:

"8. Out the amounts for Amortization Payments, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service for the Building System Repair and Replacement Fund:

Institution	FY 2005	FY 2006
George Mason University	\$30,968	\$77,419
Old Dominion University	\$25,110	\$62,775
University of Virginia	\$127,602	\$320,452
Virginia Commonwealth University	\$41,607	\$104,016
Virginia Polytechnic Institute and State University	\$97,683	\$244,207
College of William and Mary	\$39,633	\$99,083
Christopher Newport University	\$1,047	\$2,617
University of Virginia's College at Wise	\$569	\$1,422
James Madison University	\$45,622	\$114,055
Longwood University	\$1,326	\$3,316
Mary Washington College	\$2,500	\$8,750
Norfolk State University	\$11,250	\$39,375
Radford University	\$8,869	\$22,173
Virginia Military Institute	\$10,178	\$25,446
Virginia State University	\$12,930	\$32,326
Richard Bland College	\$119	\$298
Virginia Community College System	\$18,987	\$47,271
TOTAL	\$476,000	\$1,205,000"

Explanation:

(This amendment provides for nongeneral fund offset for debt service on the Building System Repair and Replacement Fund found under Item C-194.10. The source of the nongeneral funds is on tuition and fee increases on out-of-state students at public institutions of higher education.)

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Item 296 #4h

Finance	FY 04-05	FY 05-06	
Treasury Board	\$0	(\$2,420,000)	GF
	\$0	\$2,420,000	NGF

Language:

Page 221, line 50, strike "\$18,026,100" and insert "\$15,606,100".

Page 221, line 51, strike "\$2,422,604" and insert "\$4,842,604".

Page 222, line 20, after "5.", insert "a."

Page 222, after line 54 insert:

"b. Out of the amounts included in C 3 of this item the following is a breakdown of the each institution's nongeneral fund share of the debt service on the bond issues to finance the 2004-06 equipment purchase:

Institution	FY 2006
George Mason University	\$88,181
Old Dominion University	\$121,331
University of Virginia	\$774,492
Virginia Commonwealth University	\$186,717
Virginia Polytechnic Institute and State University	\$577,067
College of William and Mary	\$124,701
Christopher Newport University	\$3,854
University of Virginia's College at Wise	\$3,492
James Madison University	\$131,584
Longwood University	\$4,765
Mary Washington College	\$37,299
Norfolk State University	\$66,878
Radford University	\$32,108
Virginia Military Institute	\$66,154
Virginia State University	\$79,922
Richard Bland College	\$546
Virginia Community College System	\$120,907
TOTAL	\$2,420,000"

Explanation:

(This amendment provides for the nongeneral fund portion of lease payments for the 2004-06 allocation of equipment under the Higher Education Equipment Trust

Amendments to House Bill 5001, As Introduced

Fund. The source of the nongeneral funds will be increases in tuition and required fees on out-of-state students at public institutions of higher education.)

Item 296 #5h

Finance	FY 04-05	FY 05-06	
Treasury Board	\$0	(\$2,000,000)	GF

Language:

Page 220, line 36, strike "\$345,609,242" and insert "\$343,609,242".

Explanation:

(This amendment reduces debt service for previously issued bonds of the Virginia Public Building Authority and Virginia College Building Authority due to projected refunding that will take advantage of lower interest rates.)

Item 298 #1h

Health And Human Resources

Secretary Of Health And Human Resources

Language

Language:

Page 228, after line 13, insert:

"The Secretary of Health and Human Resources, in cooperation with the Bureau of Insurance in the State Corporation Commission, shall report on the availability of obstetrical services in the Commonwealth and identify any areas of the Commonwealth where there is inadequate access to such services. The report shall include information on the factors contributing to inadequate access to services and the availability and affordability of malpractice insurance for obstetricians, and an assessment of the degree to which these factors may be contributing to the lack of access to obstetrical care in certain areas of the Commonwealth. The report shall make recommendations on actions that can be taken to improve access to obstetrical care throughout the Commonwealth. The Secretary shall provide the report to the Chairmen of the House Appropriations and Senate Finance Committees and the Joint Commission on Health Care by November 1, 2004."

Explanation:

(This amendment is self-explanatory.)

Item 299 #1h

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 231, after line 50, insert:

"F. The State Executive Council for the Comprehensive Services Act shall investigate the reasons leading to the practice of parents relinquishing custody of their children solely to obtain necessary and appropriate mental health services. The State Executive Council shall recommend policy options, including legislative action if appropriate, for abolishing this practice while continuing to make the services available and accessible to children and report to the Chairmen of the House Appropriations and Senate Finance Committees, and to the Chairman of the Joint Commission on Health Care, by November 1, 2004."

Explanation:

(This amendment is self-explanatory.)

Item 299 #2h

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 231, after line 50, insert:

"F. Pursuant to subdivision 3 of § 2.2-52.06, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Comprehensive Services Act for At-Risk Children and Youth. The Office of Comprehensive Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement, upon the request of the community policy management team, the Office of Comprehensive Services shall make a claim against the parent or

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legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General."

Explanation:

(This amendment allows the Office of Comprehensive Services for At-Risk Youth and Families (CSA) to assist localities in obtaining parental copayments for CSA services by using debt set-off as a tool in collecting payments. The Code of Virginia requires Community Policy and Management Teams to establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, using a standard sliding fee scale based upon ability to pay.)

Item 299 #3h

Health And Human Resources	FY 04-05	FY 05-06	
Comprehensive Services For At-Risk Youth And Families	(\$1,000,000)	(\$2,000,000)	GF

Language:

Page 228, line 15, strike "\$243,901,805" and insert "\$242,901,805".

Page 228, line 15, strike "\$258,301,341" and insert "\$256,301,341".

Page 231, after line 50, insert:

"F. The Office of Comprehensive Services shall require all residential and treatment foster care providers who receive funding through the Comprehensive Services Act for At-Risk Children and Youth (CSA) to become Medicaid-certified providers in order to receive payment for CSA-related services.

G. The Office of Comprehensive Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Comprehensive Services Act for At-Risk Children and Youth, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities."

Explanation:

(This amendment is requires all Comprehensive Services Act (CSA) providers to become Medicaid-certified in order to receive CSA payments. It also requires the

Office of Comprehensive Services to work with others to ensure that localities are able to appropriately access Medicaid services. CSA expenditures are decreased by \$3.0 million general fund over the biennium in anticipation of better use of Medicaid funding for CSA services, coverage of a broader array of residential treatment services through the Medicaid program, and a decrease in Medicaid payment denials. A companion amendment in Item 326 directs the Department of Medical Assistance Services to amend the State Plan for Medical Assistance Services to cover additional services for CSA children who are Medicaid eligible.)

Item 299 #4h

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 229, after line 30, insert:

"d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Comprehensive Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By November 1 each year, the Office of Comprehensive Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays for each locality in comparison to the statewide average."

Explanation:

(This amendment is self-explanatory.)

Item 301 #1h

Health And Human Resources

Department For The Aging

Language

Language:

Amendments to House Bill 5001, As Introduced

Page 232, strike lines 48 through 52.

Page 233, strike lines 1 and 2.

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding for the Virginia Public Guardian and Conservator Program contingent upon the Governor's proposed tax plan. The introduced budget added \$110,000 in the first year and \$250,000 in the second year to establish five new Public Guardian and Conservator Programs in unserved areas. Currently, nine programs operate throughout the state and serve elderly and disabled adults who have no family or friends able to provide guardian services. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Item 301 #2h

Health And Human Resources	FY 04-05	FY 05-06	
Department For The Aging	(\$250,000)	(\$250,000)	GF

Language:

Page 232, line 16, strike "\$26,433,352" and insert "\$26,183,352".

Page 232, line 16, strike "\$26,573,352" and insert "\$26,323,352".

Explanation:

(This amendment eliminates new funding for an aging information system contained in the introduced budget.)

Item 307 #1h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Health	(\$6,900,000)	(\$6,900,000)	NGF

Language:

Page 237, line 7, strike "\$25,179,240" and insert "\$18,279,240".

Page 237, line 7, strike "\$25,179,240" and insert "\$18,279,240".

Explanation:

(This amendment reduces nongeneral funds transferred to Emergency Medical

Amendments to House Bill 5001, As Introduced

Services from the surcharge on motor vehicle registrations passed during the 2002 General Assembly (\$4-for-Life). The introduced budget transferred \$12,754,625 each year in \$4-for-Life funds; however, the transfer was contingent upon passage of the Governor's tax proposal. This amendment retains \$5.8 million each year from the additional \$4-for-Life funds for Emergency Medical Services. A companion amendment in Item 3-6.02 transfers \$6.9 million each year from the surcharge to the general fund.)

Item 309 #1h

Health And Human Resources

Department Of Health

Language

Language:

Page 238, line 27, strike "10.00" and insert "12.00".

Page 238, line 32, after "Fund", insert:

"and two dollars of each fee collected shall be used to fund community health services provided through the local health departments in Item 314."

Explanation:

(This amendment increase the fee for vital records by \$2.00 dollars to offset the cost of providing community health services through the local health departments.)

Item 314 #1h

Health And Human Resources

Department Of Health

FY 04-05

(\$890,000)

\$890,000

FY 05-06

(\$890,000) GF

\$890,000 NGF

Language:

Explanation:

(This amendment reduces the general fund amounts for community health services provided through the local health departments. These funds are offset by an increase in the Vital Records fee contained in a companion amendment in Item 309.)

Item 314 #2h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Health	\$75,000	\$75,000	GF

Language:

Page 242, line 31, strike "\$166,547,101" and insert "\$166,622,101".

Page 242, line 31, strike "\$166,547,101" and insert "\$166,622,101".

Explanation:

(This amendment restores funding to the Virginia Health Care Foundation that was reduced in the 2002-04 biennium. This restored amount will allow the Foundation to continue public-private initiatives to provide medication assistance to Virginia's uninsured and medically underserved residents through programs such as the Rx Partnership which leverages free drugs from drug manufacturers, the MEDAssist Program in Southside Virginia, and distribution of the Pharmacy Connection software.)

Item 326 #1h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to set the rate for durable medical equipment at the Durable Medicare Equipment Regional Carrier (DMERC) reimbursement level for those items that have a national Healthcare Common Procedure Coding System (HCPCS) code. Such amendments to the State Plan shall become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment modifies the reimbursement methodology for certain durable medical equipment.)

Item 326 #2h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 263, strike lines 53 through 59 and insert:

"WW.1. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to modify the reimbursement methodology used to reimburse for generic drug products. The new methodology shall reimburse for the product cost based on a Maximum Allowable Cost list to be established by the Department. Such amendments shall be effective within 280 days or less from the enactment of this act.

2. In developing the maximum allowable cost (MAC) reimbursement rate for generic pharmaceuticals, the Department shall (i) publish the factors used to set state MAC rates, including the identity of the reference product used to set the MAC rate; the NDC number of the reference product; the factor by which the MAC rate exceeds the reference product price, which shall be not less than 110 percent of the lowest-published wholesale acquisition cost for products widely available for purchase in the state, and included in national pricing compendia; and the identity and date of the published compendia used to determine the reference product and set the MAC rate; (ii) identify three different suppliers that are able to supply the product and from whom pharmacies are able to purchase sufficient quantities of the drug. The drugs considered must be listed as therapeutically and pharmaceutically equivalent in the FDA's most recent version of the "Orange Book"; (iii) identify that the use of a MAC rate is lower than the Federal Upper Limit (FUL) for the drug, or the development of a MAC rate that does not have a FUL will not result in the use of higher-cost innovator brand name or single source drugs in the Medicaid program; and (vi) distribute the list of state MAC rates to pharmacy providers in a timely manner prior to the implementation of MAC rates and subsequent modifications.

2. The Department shall (i) review and update the list of MAC rates at least quarterly; (ii) implement and maintain a procedure to eliminate products from the list, or modify MAC rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow a dispensing provider to contest a listed MAC rate.

3. The Department shall report on savings achieved through the implementation of measures to implement MAC rates in the Medicaid pharmacy program to the

Amendments to House Bill 5001, As Introduced

Chairmen of the House Appropriations and Senate Finance Committees, and the Joint Commission on Health Care by January 1 of each year."

Page 264, strike line 1.

Explanation:

(This amendment sets forth criteria for the Department of Medical Assistance Services to use in developing a new methodology for reimbursing for generic drugs through the Medicaid program. Language requires the Department to adhere to set criteria in implementing of the new reimbursement methodology and to report on savings achieved through the initiative by January 1 of each year.)

Item 326 #3h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. Effective June 30, 2006, the amount of federal financial participation for special education Medicaid and Family Access to Medical Insurance Security services for administrative and other services provided and billed for by school divisions that is retained by the Department of Medical Assistance Services will be no greater than the amount retained in fiscal year 2006."

Explanation:

(This amendment caps the amount of matching federal funds retained by the Department of Medical Assistance Services for administrative costs associated with the billing of school health services for Medicaid-eligible special education students who receive school health services at the end of the current biennium.)

Item 326 #4h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 256, line 19, strike "Contingent upon approval by the Centers for".

Amendments to House Bill 5001, As Introduced

Page 256, line 20, strike "Medicaid and Medicare Services" and insert:
"The Department of Medical Assistance Services shall discontinue efforts to seek approval".
Page 256, line 26, strike "As part of this initiative, the", and insert "The".
Page 256, line 28, strike "eliminate", and insert "restore the".
Page 256, line 32, strike "implement these necessary", and insert:
"promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act."
Page 256, strike lines 33 through 34.

Explanation:

(This amendment directs the Department of Medical Assistance Services to restore the elderly case management services to the State Plan for Medical Assistance Services and abandon efforts to seek a Research and Demonstration 1115 Waiver for the management of chronic care conditions of elderly and disabled persons. No change in funding is required.)

Item 326 #5h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 263, line 39, strike ", terminate".
Page 263, line 41, after "Waiver", insert:
", provided that individuals eligible for the waivers do not lose necessary services".

Explanation:

(This amendment modifies language in the introduced budget which would amend, terminate and/or combine the Medicaid Elderly and Disabled Waiver and the AIDS Waiver programs. It would ensure that eligible AIDS waiver recipients continue to receive necessary services whether the AIDS Waiver remains as a separate program or is combined with the Elderly and Disabled Waiver program. If the AIDS Waiver were terminated, it is possible that recipients of these services would lose nutritional supplements and case management services.)

Item 326 #6h

Amendments to House Bill 5001, As Introduced

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Medical Assistance	\$1,250,000	\$1,250,000	GF
Services	\$1,250,000	\$1,250,000	NGF

Language:

Page 250, line 37, strike "\$4,057,098,577" and insert "\$4,059,598,577".

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,431,132,619".

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services governing Medicaid reimbursements for hospitals to provide enhanced reimbursements to inpatient hospitals with a Neonatal Intensive Care Unit (NICU) that serves a disproportionate share of Medicaid patients as defined in this paragraph. Out of this appropriation, \$1,250,000 from the general fund and \$1,250,000 from nongeneral funds the first year and \$1,250,000 from the general fund and \$1,250,000 from nongeneral funds the second year shall be provided to enhance reimbursements to inpatient hospitals with a NICU Medicaid utilization rate in excess of 50 percent of total NICU patient days. The enhanced reimbursements shall be proportionally distributed to those eligible inpatient hospitals based on each hospital's share of the total NICU Medicaid patient days. Such amendments to the State Plan shall become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment provides enhanced Medicaid reimbursements to inpatient hospitals with exceptionally high Medicaid utilization, specifically those hospitals with Medicaid utilization rates greater than 50 percent of their Neonatal Intensive Care Unit (NICU) patient populations. The enhanced reimbursements would be proportionally distributed to the hospitals based on each hospital's share of NICU Medicaid patient days.)

Item 326 #7h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Medical Assistance	\$1,124,485	\$1,217,249	GF
Services	\$1,124,485	\$1,217,249	NGF

Language:

Page 250, line 37, strike "\$4,057,098,577" and insert "\$4,059,347,547".

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,431,067,117".

Amendments to House Bill 5001, As Introduced

Page 264, line 47, insert:

"BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to increase the dispensing fee paid to pharmacists for generic drug products from \$3.75 to \$4.10 per prescription per month. Such amendments to the State Plan shall become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment increases the Medicaid reimbursement for pharmacy dispensing fees for generic drugs from \$3.75 to \$4.10 per prescription per month.)

Item 326 #8h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems."

Explanation:

(This amendment is self-explanatory.)

Item 326 #9h

Health And Human Resources

Department Of Medical Assistance
Services

FY 04-05

\$2,666,667

\$2,666,667

FY 05-06

\$4,000,000

\$4,000,000

GF

NGF

Language:

Page 250, line 37, strike "\$4,057,098,577" and insert "\$4,062,431,911".

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,436,632,619".

Page 264, after line 47, insert:

Amendments to House Bill 5001, As Introduced

"BBB. Out of this appropriation, \$2,666,667 the first year and \$4,000,000 the second year from the general fund and \$2,666,667 the first year and \$4,000,000 the second year from nongeneral funds is provided for 160 new Mental Retardation Home and Community-based Waiver slots."

Explanation:

(This amendment provides funding and language for 160 new Mental Retardation Home and Community-based Waiver slots in the Department of Medical Assistance Services. A companion amendment in Item 332 transfers the funding and language for the 160 additional slots from the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The introduced budget incorrectly provides funding for the waiver slots in the DMHMRSAS. Funding for Mental Retardation Waiver slots is provided through the Department of Medical Assistance Services. This is one of several amendments addressing Olmstead initiatives.)

Item 326 #10h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, line 39, after "Waiver", strike "is", and insert "."
Page 264, strike lines 40 through 43.

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding for the slots in the Medicaid Individual and Family Developmental Disabilities Support Waiver contingent upon the Governor's proposed tax plan. The introduced budget added \$344,756 general fund and \$344,756 nongeneral fund in the first year and \$459,675 general fund and \$459,675 nongeneral fund in the second year to provide 25 additional developmentally disabled waiver slots. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Item 326 #11h

Health And Human Resources

Department Of Medical Assistance
Services

FY 04-05

\$310,700,000
(\$310,700,000)

FY 05-06

\$276,300,000 GF
(\$276,300,000) NGF

Amendments to House Bill 5001, As Introduced

Language:

Page 264, strike lines 44 through 47.

Explanation:

(This amendment provides \$310.7 million the first year and \$276.3 million the second year from the general fund for Medicaid utilization and inflation. It replaces special funds included in the introduced budget from the Virginia Health Care Fund. The proposed fund would have been comprised of prior-year Medicaid recoveries, the 40 percent general fund share of the Tobacco Master Settlement Agreement, revenues from the current tax on tobacco produces and revenues from a proposed tax increase on tobacco products.)

Item 326 #12h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Medical Assistance	\$0	(\$9,125,000)	GF
Services	\$0	(\$9,125,000)	NGF

Language:

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,410,382,619".

Page 264, strike lines 2 through 13.

Page 264, line 14, strike "YY." and insert "XX."

Page 264, line 34, strike "ZZ." and insert "YY."

Page 264, line 44, strike "AAA." and insert "ZZ."

Explanation:

(This amendment eliminates funding and language in the second year for a change to the payment adjustment factor applied to reimbursements for Type 2 hospitals. The introduced budget would have changed the payment adjustment factor from about 72 percent of 75 percent of allowable costs. This amendment maintains the current reimbursement policy for Type 2 hospitals.)

Item 326 #13h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Medical Assistance	\$0	(\$9,740,987)	GF
Services	\$0	(\$9,740,987)	NGF

Language:

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,409,150,645".
Page 264, strike lines 14 through 33.
Page 264, line 34, strike "ZZ." and insert "YY."
Page 264, line 44, strike "AAA." and insert "ZZ."

Explanation:

(This amendment eliminates funding in the second year for an increase in the total per diem to nursing facilities of \$3 per day in fiscal year 2006. This amendment maintains the current reimbursement policy for nursing homes.)

Item 326 #14h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:
"BBB. Out of the amounts appropriated for the Medical Assistance Services program, the Department is authorized to expend up to \$300,000 from the general fund in fiscal year 2005 to collect and analyze encounter data from Medicaid managed care organizations in order to set managed care capitation rates on an actuarial basis that reflects the relative risk associated with each plan's enrolled members, and to conduct utilization review and quality assurance requirements for the Medicaid program."

Explanation:

(This amendment authorizes the Department of Medical Assistance Services to use a portion of its funding to collect and analyze managed care encounter data in order to better set capitation rates on a sound actuarial basis for Medicaid managed care organizations. The Medicaid program spent approximately \$769.7 million to reimburse managed care organizations for services provided to Medicaid-eligible individuals in fiscal year 2003. The funding will also assist the department in conducting required utilization review and quality assurance for the Medicaid program.)

Item 326 #15h

Amendments to House Bill 5001, As Introduced

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Medical Assistance	(\$500,000)	(\$500,000)	GF
Services	(\$500,000)	(\$500,000)	NGF

Language:

Page 250, line 37, strike "\$4,057,098,577" and insert "\$4,056,098,577".

Page 250, line 37, strike "\$4,428,632,619" and insert "\$4,427,632,619".

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services shall amend its State Plan for Medical Assistance to impose a cost sharing requirement for eligible recipients' durable medical equipment and laboratory and radiological services ranging from \$1.00 to \$3.00. This change shall be consistent with federal law concerning Medicaid cost-sharing requirements. Such amendments to the State Plan shall become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment requires the Medicaid program to begin requiring recipient copayments for durable medical equipment, as well as laboratory and radiological services. Copayments would range from \$1.00 to \$3.00 depending on the cost of services provided. Children, pregnant women and nursing home patients would be exempt from these copayment requirements, as required by federal law and regulations.)

Item 326 #16h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. In developing a disease state management program, the Department of Medical Assistance Services shall include initiatives which positively impact asthma-related health care costs. This initiative shall seek to improve the management of asthma through the appropriate use of asthma medications and patient education."

Explanation:

(This amendment adds language requiring the Department of Medical Assistance

Services to include asthma in its disease management initiative.)

Item 326 #17h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services may consider outsourcing dental services to children under age 21 to an administrative services program."

Explanation:

(This amendment allows the Department of Medical Assistance Services use an administrative services organization to administer its children's dental services program, as one of its strategies to address access to dental services in the Medicaid program.)

Item 326 #18h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services, in cooperation with the Department of Social Services Division of Child Support Enforcement, shall identify and initiate third party recovery actions in cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security Programs."

Explanation:

(This amendment requires the Department of Medical Assistance Services to work with the Department of Social Services Division of Child Support Enforcement to identify and initiate third party recovery actions in cases in which there is a medical support order for a noncustodial parent whose child is enrolled in either the Medicaid

or FAMIS programs.)

Item 326 #19h

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 255, line 31, strike "initial and ongoing" and insert "semi-annually".

Page 264, after line 47, insert:

"BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to include reimbursement for required tuition payments for children receiving Medicaid-eligible residential services, if such educational services are part of the treatment plan. Such amendments to the State Plan shall become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment requires the Department of Medical Assistance Services to provide semi-annual training to local Comprehensive Services Act (CSA) teams to ensure that localities are able to appropriately access Medicaid-funded CSA services for the treatment of at-risk children and youth through the Comprehensive Services Act, thereby decreasing Medicaid payment denials. Language also directs the Department to cover tuition payments in residential facilities for Medicaid-eligible CSA children, if the services are included in the treatment plans for those children. Federal law and regulations allow reimbursement for these expenditures. A companion amendment in Item 299 captures savings in the CSA program to account for these actions.)

Item 330 #1h

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 268, after line 50, insert:

Amendments to House Bill 5001, As Introduced

"L. The Department of Mental Health, Mental Retardation and Substance Abuse Services, whenever medically appropriate and cost effective, shall make available to its consumers those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems."

Explanation:

(This amendment is self-explanatory.)

Item 330 #2h

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 268, after line 50, insert:

"L. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Department of Criminal Justice Services, shall incorporate information about programs that divert individuals with mental illness, substance abuse and co-occurring disorders from jail or secure detention in the Department's web-based Internet site that is currently under development."

Explanation:

(This amendment is self-explanatory. It is a recommendation of the Joint Commission on Health Care.)

Item 330 #3h

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 268, after line 50, insert:

"L. The Department of Mental Health, Mental Retardation and Substance Abuse

Amendments to House Bill 5001, As Introduced

Services shall consider the feasibility of entering into a public-private partnership or contract with a vendor for the operation of clinical treatment services for the sexually violent predator program. If the Department determines that a public-private partnership or contract is feasible and cost-effective, selection criteria shall be developed by the Department. Such criteria may include a requirement that the vendor have ongoing experience operating sexually violent predator programs in other states. Such public-private partnership or contract, if entered into by the Department, shall enable the Department to contract for perimeter security, medical services, transportation, and dietary services for the program from other state agencies and facilities."

Explanation:

(This amendment is self-explanatory.)

Item 332 #1h

Health And Human Resources

FY 04-05

FY 05-06

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

(\$2,666,667)

(\$4,000,000) GF

Language:

Page 269, line 5, strike "\$24,269,206" and insert "\$21,602,539".

Page 269, line 5, strike "\$27,608,206" and insert "\$23,608,206".

Page 269, strike lines 26 through 33.

Page 269, line 34, strike "D." and insert "C."

Page 269, line 41, strike "E." and insert "D."

Explanation:

(This amendment eliminates funding and language for 160 new Mental Retardation Home and Community-based Waiver slots in the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). A companion amendment in Item 326 adds the funding and language for the additional slots in the Department of Medical Assistance Services. The introduced budget incorrectly provides funding for the new waiver slots in the DMHMRSAS budget. Funding for Mental Retardation Waiver slots is provided through the Department of Medical Assistance Services.)

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 269, line 37, after "plans", strike "is contingent upon the" and insert "."
Page 269, strike lines 38 through 40.

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding to discharge 77 long-term mental disabled patients from state facilities and treat with specialized services contingent upon the Governor's proposed tax plan. The introduced budget added \$3.6 million general fund in the first year and \$5.4 million general fund in the second year to allow for the discharge of 77 long-term rehabilitation patients who have been identified and are ready to be discharged from state mental health facilities. Funding, estimated at \$70,000 per individual, will be used to provide specialized services for individuals who face extraordinary barriers to placement in the community. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Health And Human Resources

Department Of Mental Health,
Mental Retardation And Substance
Abuse Services

Language

Language:

Page 269, line 44, after "hospitals", strike "is" and insert "."
Page 269, strike lines 45 through 48.

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding to purchase private psychiatric inpatient treatment beds in community hospitals contingent upon the Governor's proposed tax plan. The introduced budget added \$1.0 million GF each year of the biennium to expand the

purchase of these services in order to reduce inpatient admissions and potentially long-term stays at state mental health facilities. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Item 334 #1h

Health And Human Resources

Grants To Localities

Language

Language:

Page 272, line 11, strike the first "4,125,000" and insert "6,125,000".

Page 272, line 11, strike the second "4,125,000" and insert "6,125,000".

Page 272, strike lines 27 through 35.

Page 272, line 36, strike "P." and insert "O."

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding for community mental health services for children and adolescents contingent upon the Governor's proposed tax plan. The introduced budget added \$2.0 million GF each year of the biennium to expand the mental health services for children and adolescents with serious emotional disturbances and related disorders. Funding is adjusted in language to reflect the full amount of funding for these services over the biennium. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Item 334 #2h

Health And Human Resources

Grants To Localities

Language

Language:

Page 272, line 40, after "(PACT)", strike "is contingent upon the passage into law of the" and insert "."

Page 272, strike lines 41 through 43.

Explanation:

(This amendment eliminates language in the introduced budget making the additional funding for three new programs of assertive community treatment (PACT) to treat seriously mentally ill individuals contingent upon the Governor's proposed tax

Amendments to House Bill 5001, As Introduced

plan. The introduced budget added \$2.0 million GF in the first year and \$2.6 million GF in the second year for three new PACT teams to provide crisis intervention and case management services to seriously mentally ill adults who are in need of intensive treatment services in order to avoid placement in state mental health facilities. This is one of several amendments addressing contingency funding for Olmstead initiatives.)

Item 346 #1h

Health And Human Resources	FY 04-05	FY 05-06	
Virginia Center For Behavioral Rehabilitation	\$0	(\$1,991,000)	GF

Language:

Page 276, line 4, strike "\$6,791,432" and insert "\$4,800,432".

Explanation:

(This amendment decreases funding in the second year for the Center for Behavioral Rehabilitation. The introduced budget assumed a need for an additional \$3.6 million general fund in fiscal year 2005 and \$5.6 million general fund in fiscal year 2006 for the civil commitment and treatment of sexually violent offenders resulting in an added 104 positions for a facility projected to house 55 sexually violent predators by the end of fiscal year 2006. These new positions would be in addition to the current staffing of 73 full-time equivalent positions. Currently, the Center houses two individuals and the census is growing at a significantly slower rate than originally projected.)

Item 349 #1h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Rehabilitative Services	(\$75,000)	(\$75,000)	GF

Language:

Page 276, line 37, strike "\$83,939,471" and insert "\$83,864,471".

Page 276, line 37, strike "\$83,939,471" and insert "\$83,864,471".

Explanation:

(This amendment eliminates new funding in each year for brain injury services in Southwest Virginia.)

Item 354 #1h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 281, after line 16, insert:

"I.1. The Commissioner of Social Services, in consultation with the Virginia League of Social Services Executives and local departments of social services, shall develop a plan to implement and finance federally required foster care services improvements in localities through a Child and Family Services Review Performance Improvement Plan.

2. The initial plan and subsequent status reports on its implementation shall be reported to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by January 1 of each year. "

Explanation:

(This amendment is self-explanatory.)

Item 354 #2h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 281, after line 16, insert:

"I. The Department of Social Services shall develop a multi-lingual outreach campaign to inform qualified aliens and citizen children living in immigrant families who are eligible for federal food stamps about the food stamp program and ensure that they have access to benefits. To the extent permitted by federal law, the Department shall administer the food stamp program in a way that minimizes the procedural burden on qualified aliens and allays their concerns about the impact of food stamp receipt on their immigration sponsors and status."

Explanation:

(This amendment is self-explanatory.)

Item 356 #1h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 284, after line 4, insert:

"I. Out of this appropriation, \$4,910,128 the first year and \$4,910,128 the second year from the Temporary Assistance for Needy Families (TANF) grant shall be transferred to the Department of Housing and Community Development for a continuum of housing services for low-income families."

Explanation:

(This amendment provides funds from the federal Temporary Assistance to Needy Families for a continuum of housing services to low-income families. Services would be targeted to homeless families attempting to regain independence. Services would include assistance for emergency and transitional shelter; supportive services such as life skills, education, and job training; care for homeless children while parents look for work; and rental assistance.)

Item 356 #2h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 283, strike lines 43 through 59.

Page 284, strike lines 1 through 4.

Explanation:

(This amendment deletes language in the introduced bill establishing a new cash assistance program, the Virginia Kinship Care Program, with funding from the state general fund, for children living with non-parent, relative caretakers that currently receive cash assistance through the Temporary Assistance to Needy Families (TANF) program. The program proposed segregating funding for these cases for a state-only

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program and revising the focus of assistance to these families from solely cash assistance to provide additional services. However, additional funding was not provided in the introduced budget to add these services. Language in the introduced budget would have allowed for the development of a full range of services and granted authority for regulations implementing the program.)

Item 356 #3h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Social Services	\$10,349,238	\$10,349,238	GF
	(\$10,349,238)	(\$10,349,238)	NGF

Language:

Explanation:

(This amendment is a technical adjustment to funds appropriated in Item 356 Temporary Income Supplement Services, Temporary Assistance to Needy Families (TANF). The introduced budget incorrectly appropriated \$10.3 million general fund in Item 357 Protective Services, Foster Care, that should have been appropriated in this item as part of the state's required maintenance of effort funding for the TANF program. Companion amendments in Items 357 and 360 make technical adjustments to the general fund amounts and federal appropriations to accurately reflect funding levels for the Foster Care and TANF programs.)

Item 356 #4h

Health And Human Resources	
Department Of Social Services	Language

Language:

Page 283, line 8, strike "3,900,000" and insert "5,900,000".

Page 283, line 9, strike "3,900,000" and insert "5,900,000".

Explanation:

(This amendment partially restores the Temporary Assistance for Needy Families (TANF) child support supplement by \$2.0 million each year. The introduced budget had reduced the amount of TANF funds used for this purpose by one-half or \$3.9 million NGF each year from the FY 2004 level of \$7.8 million. This amendment would

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provide \$5.9 million each year to provide TANF recipients additional and increased monthly supplements up to the current amount of child support collected on their behalf, less any appropriate disregards.)

Item 356 #5h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 288, after line 3, insert:

"D. Out of this appropriation, the Department of Social Services shall allocate a total of \$3,775,399 each year from the federal Temporary Assistance to Needy Families (TANF) block grant for community action agencies to promote self-sufficiency. This amount includes funding described in Item 355 A.2. which provides \$250,000 each year from the TANF grant for community action services in selected jurisdictions."

Explanation:

(This amendment restores an earmark of \$3.8 million each year for community action agencies from federal TANF dollars.)

Item 357 #1h

Health And Human Resources

Department Of Social Services

FY 04-05

(\$459,980)

\$459,980

FY 05-06

(\$459,980) GF

\$459,980 NGF

Language:

Page 285, line 18, strike "584,980" and insert "125,000".

Page 285, line 19, strike "4,139,820" and insert "4,599,800".

Page 285, line 21, strike "584,980" and insert "125,000".

Page 285, line 22, strike "4,139,820" and insert "4,599,800".

Explanation:

(This amendment substitutes federal Temporary Assistance to Needy Families for new general fund dollars provided in the introduced budget for Healthy Families Virginia.)

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Social Services	(\$10,349,238)	(\$10,349,238)	GF

Language:

Page 284, line 5, strike "\$152,196,355" and insert "\$141,847,117".

Page 284, line 5, strike "\$163,637,335" and insert "\$153,288,097".

Explanation:

(This amendment is a technical adjustment to funds appropriated in Item 357 Protective Services, Foster Care. The introduced budget incorrectly appropriated \$10.3 million from the general fund to this item that should have been appropriated in Item 356 Temporary Income Supplement Services, Temporary Assistance to Needy Families. This amount represents a portion of the state's required maintenance of effort funding for the TANF program. Companion amendments in Items 356 and 360 make technical adjustments to the general fund amounts and federal appropriations for the TANF program to accurately reflect funding levels.)

Health And Human Resources	
Department Of Social Services	Language

Language:

Page 288, after line 3, insert:

"D. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance to Needy Families (TANF) block grant program."

Explanation:

(This amendment requires the Department of Social Services, in conjunction with

the Department of Correctional Education, to identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections.)

Item 360 #2h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 288, after line 3, insert:

"D. Out of this appropriation, the Department of Social Services shall allocate \$2,550,000 each year from the federal Temporary Assistance to Needy Families (TANF) block grant for employment and training and other services for hard-to-serve recipients to promote self-sufficiency."

Explanation:

(This amendment restores an earmark of \$2.5 million each year for hard-to-serve grants provided with federal TANF dollars.)

Item 360 #3h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 288, after line 3, insert:

"D. Out of this appropriation, the Department of Social Services shall allocate \$637,500 each year from the federal Temporary Assistance to Needy Families (TANF) block grant for employment and training services through the Centers for Employment and Training."

Explanation:

(This amendment restores dedicated federal TANF dollars for employment and training services provided through the Centers for Employment and Training. It provides TANF funding at the fiscal year 2004 level.)

Item 360 #4h

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Health And Human Resources	FY 04-05	FY 05-06	
Department Of Social Services	\$10,349,238	\$10,349,238	NGF

Language:

Page 287, line 5, strike "\$69,122,484" and insert "\$79,471,722".

Page 287, line 5, strike "\$68,122,484" and insert "\$78,471,722".

Explanation:

(This amendment is a technical adjustment to funds appropriated in Item 360 Employment Assistant Services, Financial Assistance for Employment Services. The introduced budget incorrectly appropriated \$10.3 million nongeneral funds in Item 356 Temporary Income Supplement Services, Temporary Assistance to Needy Families (TANF) that should have been appropriated in this item to reflect funding for employment services for TANF recipients. Companion amendments in Items 356 and 357 make technical adjustments to the general fund and federal appropriations to accurately reflect funding levels for the Foster Care and TANF programs.)

Item 361 #1h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 288, after line 51, insert:

"E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security Programs. Once identified, the Division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program."

Explanation:

(This amendment requires the Department of Social Services Division of Child Support Enforcement to work with the Department of Medical Assistance Services to identify and enforce cases in which there is a medical support order for the noncustodial parent and the child is enrolled in either the Medicaid or FAMIS programs.)

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Item 362 #1h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Social Services	(\$150,000)	(\$150,000)	NGF

Language:

Page 288, line 53, strike "\$306,249,218" and insert "\$306,099,218".

Page 288, line 53, strike "\$306,249,218" and insert "\$306,099,218".

Page 291, line 12, strike "500,000" and insert "350,000".

Page 291, line 13, strike "500,000" and insert "350,000".

Explanation:

(This amendment lowers the amount provided each year from the federal Child Care Development Fund block grant for child day care resource and referral services from \$500,000 each year to \$350,000 each year.)

Item 362 #2h

Health And Human Resources	FY 04-05	FY 05-06	
Department Of Social Services	(\$541,578)	(\$541,578)	GF
	\$541,578	\$541,578	NGF

Language:

Page 291, line 1, strike "general" and insert "nongeneral".

Page 291, line 1, after "funds", insert:

"pursuant to House Bill 1234."

Explanation:

(This amendment replaces general fund amounts for services to victims of domestic violence with nongeneral funds from \$10 of the marriage license tax, pursuant to House Bill 1234. Funds from this portion of the marriage license tax funds have historically been earmarked for services to victims of domestic violence since the tax was increased from \$10 to \$20 by the 1993 General Assembly.)

Item 362 #3h

Health And Human Resources

Amendments to House Bill 5001, As Introduced

Department Of Social Services

Language

Language:

Page 291, line 5, after "fund", insert:

"and \$1,062,500 from the federal TANF grant".

Page 291, line 6, after "fund", insert:

"and \$1,062,500 from the federal TANF grant".

Explanation:

(This amendment restores Temporary Assistance for Needy Families (TANF) dollars for local domestic violence grants. TANF funds provided are equal to the amount provided in fiscal year 2004 for these grants.)

Item 362 #4h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 289, line 21, strike "60,646,189" and insert "62,646,189".

Page 289, line 22, strike "59,209,814" and insert "61,209,814".

Explanation:

(This amendment restores \$2.0 million each year from Temporary Assistance for Needy Families (TANF) dollars for child day care subsidies for low-income working families. The introduced budget had reduced TANF funds for this purpose by \$2.0 million each year.)

Item 363 #1h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 292, after line 12, insert:

"F. Out of this appropriation, \$70,000 from the general fund the first year and \$70,000 from the general fund the second year is provided for dementia-specific training of long-term care workers dealing with Alzheimer's disease and related disorders through the Virginia Alzheimer's Association Chapters."

Explanation:

(This amendment earmarks existing funding in the Department of Social Services to continue dementia-specific training of long-term care workers dealing with Alzheimer's disease and related disorders, in cooperation with the Virginia Alzheimer's Association Chapters.)

Item 365 #1h

Health And Human Resources

Department Of Social Services

Language

Language:

Page 292, line 49, strike "4,838,528" and insert "4,840,879".

Page 292, line 50, strike "12,887" and insert "17,588".

Page 292, line 51, strike "18,500,000" and insert "1,500,000".

Page 292, line 53, strike "18,500,000" and insert "1,500,000".

Explanation:

(This amendment revises the TANF balance in fiscal years 2005 and 2006, based on changes to the proposed TANF spending. In addition, language reduces the amount set aside in the introduced budget for a competitive grant program through the TANF program from \$18.5 million each year to \$1.5 million each year. Companion amendments in Items 356, 357, 360 and 362 earmark portions of TANF funding for specific programs and services, thereby reducing the need for a large competitive grant program.)

Item 382 #1h

Natural Resources

FY 04-05

FY 05-06

Department Of Conservation And
Recreation

\$125,000

\$125,000 GF

Language:

Page 298, line 25, strike "\$22,738,678" and insert "\$22,863,678".

Page 298, line 25, strike "\$20,977,511" and insert "\$21,102,511".

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment provides additional general fund support for Virginia's soil and water conservation districts to offset previous reductions to the districts. Soil and water conservation districts provide educational programs for farmers and the general public, and technical and financial assistance to farmers for the implementation of best management practices on agricultural land.)

Item 383 #1h

Natural Resources

Department Of Conservation And
Recreation

Language

Language:

Page 300, line 19, strike "matching".

Page 300, line 22, after "fund.", insert:

"The amounts included for this purpose shall not be dependent upon the support provided to the Breaks Interstate Park by the Commonwealth of Kentucky."

Explanation:

(This amendment eliminates language that conditioned Virginia's support for the Breaks Interstate Park upon the total level of support provided by the Commonwealth of Kentucky. Currently, regardless of how much general fund support Virginia may provide to the Breaks Interstate Park, the park cannot use the full amount of that appropriation unless Kentucky contributes an equal or greater amount. Because Kentucky provided less support to the park than Virginia in both fiscal year 2003 and fiscal year 2004, the Breaks Interstate Park was required to return \$29,000 in support from Virginia each year.)

Item 383 #2h

Natural Resources

Department Of Conservation And
Recreation

FY 04-05

\$500,000
10.00

FY 05-06

\$500,000 GF
10.00 FTE

Language:

Page 300, line 1, strike "\$25,666,442" and insert "\$26,166,442".

Page 300, line 1, strike "\$25,666,442" and insert "\$26,166,442".

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Explanation:

(This amendment provides additional general fund support to the Department of Conservation and Recreation's Division of State Parks to offset previous budget reductions. In particular, the amendment provides \$375,000 each year for the restoration of 10 park ranger positions. These positions are needed to address needs in Virginia's existing 34 state parks. An additional \$125,000 each year is provided to offset other reductions to the operating budget of the Division of State Parks.)

Item 386 #1h

Natural Resources	FY 04-05	FY 05-06	
Department Of Environmental Quality	(\$500,000)	(\$500,000)	GF

Language:

Page 303, line 48, strike "\$8,339,506" and insert "\$7,839,506".

Page 303, line 48, strike "\$8,371,076" and insert "\$7,871,076".

Explanation:

(This amendment eliminates new general fund dollars included in the introduced budget for water supply planning.)

Item 388 #1h

Natural Resources	FY 04-05	FY 05-06	
Department Of Environmental Quality	(\$100,000)	\$0	GF

Language:

Page 304, line 18, strike "\$60,303,091" and insert "\$60,203,091".

Page 304, strike lines 49 through 54.

Page 305, strike line 1.

Page 305, line 2, strike "D." and insert "C."

Page 305, line 8, strike "E." and insert "D."

Explanation:

(This amendment eliminates the general fund dollars included in the first year of the

Amendments to House Bill 5001, As Introduced

introduced budget to support a project to improve the water and sediment quality found in the Elizabeth River. The Commonwealth was to participate in this effort, which is led by the U.S. Army Corps of Engineers, with the cities of Chesapeake, Norfolk, Portsmouth, and Virginia Beach. The amounts included in the introduced budget are insufficient to fully address the project's requirements.)

Item 388 #2h

Natural Resources

Department Of Environmental
Quality

Language

Language:

Page 305, after line 14, insert:

"F. Pursuant to § 10.1-1422.01, Code of Virginia, the Department of Environmental Quality shall distribute Litter Control and Recycling Grants to localities in June of each fiscal year based upon the revenues collected during the period between June of the previous fiscal year and May of the current fiscal year.

Explanation:

(This amendment provides for the restoration of Litter Control and Recycling Grants to localities in fiscal year 2005. Previously approved transfers had swept the funds necessary to make these local grants into the general fund. The language provides that these grants shall now be made each June based upon the revenue collected between June of the previous fiscal year and May of the current fiscal year.)

Item 393 #1h

Natural Resources

Department Of Game And Inland
Fisheries

Language

Language:

Page 307, after line 35, insert:

"C. It is the intent of the General Assembly that the Department continue operation of the Montibello Hatchery in both the first and second year of the biennium and that the department provide public access to this hatchery for at least six months a year in both the first and second year."

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Explanation:

(This amendment includes language that would require the Department of Game and Inland Fisheries to operate the Montibello Fish Hatchery for at least the 2004-06 biennium and to provide public access to the Montibello Fish Hatchery for six months each year.)

Item 393 #2h

Natural Resources

Department Of Game And Inland
Fisheries

Language

Language:

Page 307, line 29, strike "the expenditure of".

Page 307, line 31, after "fund", insert "is provided".

Page 307, line 32, after "laws", strike:

"is contingent upon the passage into law of the" and insert "."

Page 307, strike lines 33 through 35.

Explanation:

(This amendment eliminates language contained in this item that made the additional general fund dollars provided for the enforcement of state game laws by the Department of Game and Inland Fisheries contingent upon passage of the Governor's tax proposal.)

Item 393 #3h

Natural Resources

Department Of Game And Inland
Fisheries

FY 04-05

(\$733,361)

FY 05-06

(\$733,361) GF

Language:

Page 307, line 9, strike "\$34,989,619" and insert "\$34,256,258".

Page 307, line 9, strike "\$34,989,619" and insert "\$34,256,258".

Explanation:

(This amendment eliminates general fund dollars included in the introduced budget

Amendments to House Bill 5001, As Introduced

for support of the Department of Game and Inland Fisheries' wildlife and freshwater fisheries management program. Traditionally, the department has relied upon federal dollars and the revenues collected from the sale of hunting, fishing, and boating licenses to support this program's activities.)

Item 399 #1h

Natural Resources	FY 04-05	FY 05-06	
Marine Resources Commission	(\$100,000)	(\$100,000)	GF

Language:

Page 310, line 19, strike "\$11,451,099" and insert "\$11,351,099".

Page 310, line 19, strike "\$11,451,099" and insert "\$11,351,099".

Page 311, strike lines 15 through 19.

Explanation:

(This amendment eliminates general fund support for an environmental impact study on the introduction of non-native oyster species in the Chesapeake Bay. This study was to have been performed by the U.S. Army Corps of Engineers.)

Item 402 #1h

Natural Resources	FY 04-05	FY 05-06	
Virginia Museum Of Natural History	(\$84,973)	(\$84,971)	GF

Language:

Page 312, line 2, strike "\$2,149,333" and insert "\$2,064,360".

Page 312, line 2, strike "\$2,149,293" and insert "\$2,064,322".

Explanation:

(This amendment reduces general fund support for the Museum of Natural History by five percent each year.)

Item 404 #1h

Public Safety	FY 04-05	FY 05-06	
Commonwealth's Attorneys'	(\$193,325)	(\$193,325)	GF

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Services Council

Language:

Page 313, line 22, strike "\$670,389" and insert "\$477,064".

Page 313, line 22, strike "\$670,389" and insert "\$477,064".

Page 313, strike lines 28 through 34.

Explanation:

(This amendment eliminates contingent language in the introduced budget.)

Item 405 #1h

Public Safety

Department Of Alcoholic Beverage
Control

Language

Language:

Page 314, after line 17, insert:

"D. By September 1 of each year, the Alcoholic Beverage Control Board shall report for the prior fiscal year the dollar amount of total wine liter tax collections in Virginia, the portion, expressed in dollars, of such tax collections attributable to the sale of Virginia wine in both ABC stores and in private stores, and the percentage of total wine liter tax collections attributable to the sale of Virginia wine. Such report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees."

Explanation:

(This amendment directs the ABC Board to report tax collections attributable to the sale of Virginia wine to the money committees on an annual basis.)

Item 410 #1h

Public Safety

Department Of Corrections, Central
Activities

Language

Language:

Page 316, after line 57, insert:

"H. Any new mental health or substance abuse treatment program or initiative for

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adult offenders developed and implemented by the department shall be evaluated at least annually to ensure that program goals and objectives are being met. The department shall report the results of the evaluations to the Chairmen of the House Appropriations and Senate Finance Committees and the Joint Commission on Health Care."

Explanation:

(This amendment requires an evaluation and reporting component to any new mental health or substance abuse programs implemented by the Department of Corrections.)

Item 416 #1h

Public Safety

Division Of Community
Corrections

Language

Language:

Page 319, after line 19, insert:

"4. Pittsylvania County is hereby exempted from the provisions of paragraph B.1. in order to proceed in planning for an expansion to the County's existing jail facility."

Explanation:

(This amendment provides an exemption to the moratorium on submission of plans for a local jail expansion.)

Item 416 #2h

Public Safety

Division Of Community
Corrections

Language

Language:

Page 319, after line 6, insert:

"3. To adjust a previously approved funding level, which had been based on planning study estimates, to the actual project cost as determined by competitive bid;"

Page 319, line 7, strike "3" and insert "4".

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment restores language authorizing the Board of Corrections to adjust reimbursement amounts for approved local jail or regional jail projects based on final project cost estimates.)

Item 416 #3h

Public Safety

Division Of Community
Corrections

Language

Language:

Page 319, after line 19, insert:

"4. Gloucester County is hereby exempted from the provisions of paragraph B.1. in order to proceed in planning for an expansion to the County's existing jail facility."

Explanation:

(This amendment provides an exemption to the moratorium on submission of plans for a local or regional jail expansion.)

Item 416 #4h

Public Safety

Division Of Community
Corrections

Language

Language:

Page 319, after line 19, insert:

"4. Notwithstanding any provisions of the Code of Virginia, Appomattox, Amherst, and Nelson Counties are hereby exempted from the provisions of paragraph B.1. and in order to proceed in planning for a regional jail."

Explanation:

(This amendment provides an exemption to the moratorium on submission of plans for a local or regional jail.)

Item 416 #5h

Public Safety

Amendments to House Bill 5001, As Introduced

Division Of Community
Corrections

Language

Language:

Page 319, after line 19, insert:

"4.1. The Hampton Roads Regional Jail Authority and its member jurisdictions are hereby exempted from the provisions of paragraph B.1. in order to proceed in planning for an expansion to the jail facility.

2. No state funds shall be obligated for reimbursement of the proposed planning study or for reimbursement of the state's share of construction costs without approval of the General Assembly."

Explanation:

(This amendment provides an exemption to the moratorium on submission of plans for a local or regional jail expansion.)

Item 419 #1h

Public Safety

Division Of Institutions

Language

Language:

Page 320, line 15, before "To", insert "A."

Page 320, after line 17, insert:

"B. The Governor may authorize or direct the transfer of prisoner labor, or of farm commodities produced, at any state agency to any other state agency. It is further provided that unit prices of foodstuffs or other commodities produced on farms shall be fixed on a basis no more frequently than semiannually by the Director, Department of Corrections. These unit prices shall be the basis for charging the value of foods produced by the farms and consumed by the producing agencies or sold to other state agencies of the Commonwealth under the provisions of § 2.2-1116, Code of Virginia."

Explanation:

(This amendment is based on budget language included in the General Provisions of the budget bill. Placing the language within the appropriations for the Department of Corrections makes the policy more accessible to other state agencies and to the public. A companion amendment deletes the language from the General Provisions.)

Amendments to House Bill 5001, As Introduced

Item 419 #2h

Public Safety	FY 04-05	FY 05-06	
Division Of Institutions	(\$2,248,573)	\$0	GF

Language:

Page 320, line 2, strike "\$258,670,016" and insert "\$256,421,443".

Explanation:

(This amendment phases in full funding of the direct inmate cost increase which addresses costs related to medical care, food, and clothing for DOC inmates.)

Item 420 #1h

Public Safety	FY 04-05	FY 05-06	
Division Of Institutions	\$50,000	\$50,000	NGF

Language:

Page 320, line 18, strike "\$405,086,042" and insert "\$405,136,042".

Page 320, line 18, strike "\$407,600,523" and insert "\$407,650,523".

Page 320, line 28, strike "\$275,000" and insert "\$325,000".

Page 320, line 29, strike "\$275,000" and insert "\$325,000".

Page 320, line 35, strike the first "\$100,000" and insert "\$150,000".

Page 320, line 35, strike the second "\$100,000" and insert "\$150,000".

Explanation:

(This amendment increases the nongeneral fund appropriation for providing faith-based services to DOC inmates by \$50,000 the first year and \$50,000 the second year.)

Item 420 #2h

Public Safety	FY 04-05	FY 05-06	
Division Of Institutions	(\$205,086)	(\$445,424)	GF

Language:

Amendments to House Bill 5001, As Introduced

Page 320, line 18, strike "\$405,086,042" and insert "\$404,880,956".

Page 320, line 18, strike "\$407,600,523" and insert "\$407,155,099".

Page 321, after line 36, insert:

"2. The Department of Corrections, in conjunction with the Secretary of Public Safety, shall provide a status report on the department's jail prerelease program that includes details on the participating sites, number of participants served, services provided, the status of individuals who have completed the program, and the impact of the program on the department's ability to intake state responsible inmates from local jails. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1, 2004."

Explanation:

(This amendment delays expansion of the prerelease program to fiscal year 2006.)

Item 420 #3h

Public Safety	FY 04-05	FY 05-06	
Division Of Institutions	(\$875,000)	(\$912,500)	GF

Language:

Page 320, line 18, strike "\$405,086,042" and insert "\$404,211,042".

Page 320, line 18, strike "\$407,600,523" and insert "\$406,688,023".

Explanation:

(This amendment phases in implementation of the department's transition program.)

Item 420.10 #1h

Public Safety	FY 04-05	FY 05-06	
Division Of Institutions	\$46,929	\$0	GF

Language:

Page 321, after line 36, insert:

"420.10. Corrections Special Reserve Fund (35900)	\$46,929	\$0
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Amendments to House Bill 5001, As Introduced

Fund Sources: General \$46,929 \$0."

Authority: § 30-19.1:4, Code of Virginia

"A. Included in the appropriation is \$11,929 to cover the projected prison bed space impact, as determined in accordance with § 30-19.1:4, Code of Virginia, of legislation introduced in the 2004 Session of the General Assembly, which would increase the penalty for abuse of incapacitated adults.

B. Included in the appropriation is \$32,589 to cover the projected prison bed space impact, as determined in accordance with § 30-19.1:4, Code of Virginia, of House Bill 1233 introduced in the 2004 Session of the General Assembly.

C. If the Virginia Criminal Sentencing Commission, in accordance with the provisions of § 30-19.1:4, Code of Virginia, determines that legislation relating to multiple DUI offenders introduced in the 2004 Session of the General Assembly, would have a state prison bed space impact, the Governor is authorized, upon enactment of such legislation, to transfer the amount identified by the Commission from Item 506 of this act to this item."

Explanation:

(This amendment funds the correctional bed space impact of a bill, introduced by the Governor, to increase the penalty for persons convicted of abusing incapacitated adults. It also authorizes the Governor to transfer funds from Economic Contingency to cover any bed space impact of bills relating to multiple DUI offenders.)

Item 430 #1h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 327, after line 44, insert:

"K. The Department of Criminal Justice Services shall review the feasibility of allowing alternative training delivery methods, with a focus on distance learning and computer-based training, for entry level and in-service training for criminal justice officers. In determining the feasibility of alternative training delivery methods, the Department shall consider the quality of training provided, cost effectiveness, and the impact upon local units of government. The Department shall consult with affected

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local government, public safety, training organizations, and higher education institutions, including the Virginia Community College System. The results including details on potential cost savings and cost avoidance shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2004."

Explanation:

(This amendment requires the Department of Criminal Justice Services to review the feasibility and cost-effectiveness of distance and computer-based training for criminal justice officers.)

Item 430 #2h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 327, after line 44, insert:

"K. The Department of Criminal Justice Services shall prepare a report on fees assessed by all regional criminal justice service training academies for training services provided to nongovernmental agencies or organizations. The report shall include an assessment of whether fees charged nongovernmental agencies or organizations fully recognize the full cost of training provided. The report shall also provide options for recovering the cost of the state-supported training services provided to nongovernmental agencies or organizations by regional criminal justice training academies. The Department shall consult with affected local governments and government and nongovernment public safety agencies or organizations that utilize the regional criminal justice training academies. The results shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2004."

Explanation:

(This amendment requires the Department of Criminal Justice Services to review the issues of fees charged to nongovernmental agencies or organizations.)

Item 432 #1h

Public Safety

Department Of Criminal Justice

FY 04-05

(\$11,645,466)

FY 05-06

(\$23,914,049) GF

Amendments to House Bill 5001, As Introduced

Services

Language:

Page 327, line 51, strike "\$180,420,342" and insert "\$168,774,876".

Page 327, line 51, strike "\$192,688,925" and insert "\$168,774,876".

Page 328, strike line 12 through line 18.

Page 328, line 19, strike "C." and insert "B."

Explanation:

(This amendment removes "599" program funding in the introduced budget that was contingent on passage of the Governor's tax package.)

Item 436 #1h

Public Safety

FY 04-05

FY 05-06

Department Of Fire Programs

(\$1,250,000)

\$0 GF

Language:

Page 329, line 32, strike "\$18,373,574" and insert "\$17,123,574".

Page 329, after line 38, insert:

"The Board of Fire Programs is authorized, consistent with existing law and regulations governing allocation of the agency's appropriations, to allocate up to \$1,250,000 from nongeneral funds the first year for the required match for the Staffing for Adequate Firefighters and Emergency Response grant program. The Department of Fire Programs shall receive approval from the Secretary of Public Safety and the Department of Planning and Budget prior to spending or allocating any portion of this amount."

Explanation:

(This amendment eliminates funding for the SAFER program that was included in the introduced budget.)

Item 439 #1h

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 330, after line 31, insert:

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"Any new mental health or substance abuse treatment program or initiative for juvenile offenders developed and implemented by the department shall be evaluated at least annually to ensure that program goals and objectives are being met. The department shall report the results of the evaluations to the Chairmen of the House Appropriations and Senate Finance Committees and the Joint Commission on Health Care."

Explanation:

(This amendment requires an evaluation and reporting component to any new mental health or substance abuse programs implemented by the Department of Juvenile Justice.)

Item 439 #2h

Public Safety	FY 04-05	FY 05-06	
Department Of Juvenile Justice	(\$536,450)	\$0	GF

Language:

Page 330, line 19, strike "\$26,353,232" and insert "\$25,816,782".

Explanation:

(This amendment phases in the increase in the direct ward cost for the Department of Juvenile Justice.)

Item 445 #1h

Public Safety	FY 04-05	FY 05-06	
Department Of Juvenile Justice	\$0	(\$775,000)	GF

Language:

Page 333, line 56, strike "\$50,897,969" and insert "\$50,122,969".

Page 334, strike line 18 through line 25 and insert:

"C. The Department of Juvenile Justice shall provide a report on its plans for utilization of the state's juvenile correctional centers, including any projected alternative programs for housing juvenile offenders committed to the Department. Such report shall first be based upon funding and staffing levels included in this act, and may include alternative plans based upon requests for additional resources in subsequent biennia. The Director of the Department shall provide the report to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees no later

Amendments to House Bill 5001, As Introduced

than October 15, 2004. "

Explanation:

(This amendment removes contingent language in the introduced budget.)

Item 456 #1h

Public Safety

Department Of State Police

FY 04-05

(\$1,465,460)

(\$162,829)

FY 05-06

(\$1,465,460) GF

(\$162,829) NGF

Language:

Page 337, line 11, strike "\$159,842,308" and insert "\$158,214,019".

Page 337, line 11, strike "\$159,913,612" and insert "\$158,285,323".

Page 338, strike line 11 through line 19.

Page 338, line 20, strike "F." and insert "E."

Page 338, line 27, strike "G." and insert "F."

Explanation:

(This amendment eliminates contingent language in the introduced budget.)

Item 463 #1h

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 342, after line 56, insert:

"D. The Board shall not delegate any duties or responsibilities to the Chairman other than to preside over meetings or act as the Board's spokesperson in public meetings. The Chairman shall have no powers or duties greater than those given to any other Board member. The Board shall use the Chief Information Officer to arrange Board and committee meetings and agendas and solicit the Chief Information Officer's advice on Information Technology Investment Board meeting topics and the frequency of meetings."

Explanation:

(This amendment clarifies that authority given to the Secretary of Technology

Amendments to House Bill 5001, As Introduced

during the period prior to the hiring of a Chief Information Officer now reverts to the Chief Information Officer as intended by the legislation approved by the 2003 General Assembly when it approved the creation of VITA.)

Item 463 #2h

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 342, after line 56, insert:

"D. The Information Technology Investment Board, in addition to the responsibilities as set forth in the 9th Enactment Clause of Chapter 981 of the Acts of Assembly of 2003, shall have the authority to postpone the implementation schedule of any state agency by a vote of the majority of members. The members may consider the following reasons for postponement: security and sensitivity of information, adverse economic effects on participants' benefits, unusual effects on the impacted agency's budget, or other matters that could adversely effect the Commonwealth's operations in the opinion of the Chief Information Officer."

Explanation:

(This amendment authorizes the Information Technology Investment Board to delay the consolidation of any agency into the Virginia Information Technologies Agency. This language clarifies that along with its authority to speed up implementation, the Board also has the authority to delay consolidation of specific agencies.)

Item 466 #1h

Technology

Virginia Information Technologies
Agency

FY 04-05
(\$7,266,000)

FY 05-06
(\$519,000) GF

Language:

Page 343, line 30, strike "\$14,932,851" and insert "\$7,666,851".

Page 343, line 30, strike "\$8,185,999" and insert "\$7,666,999".

Explanation:

(This amendment removes general fund appropriations for VITA start-up equipment costs. Under the internal service fund model under which VITA operates, these types of expenses should be funded through the internal service fund charges assessed to the agencies benefiting from such services. If insufficient cash is available through the internal service funds for up-front purchases, the standard method is to utilize Treasury loans until costs are recouped through the internal service fund collections.)

Item 469 #1h

Transportation

Secretary Of Transportation

Language

Language:

Page 348, line 23, strike "funds." and insert "funds,".

Explanation:

(This amendment corrects a typographical error in House Bill 5001.)

Item 470 #1h

Transportation

Department Of Aviation

Language

Language:

Page 350, after line 12, insert:

"The Director, Department of Aviation, shall prepare general guidelines regarding aircraft acquisition and use that shall include a requirement for state agencies to develop written policies on usage, charge rates and record-keeping. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need arises."

Explanation:

(This amendment is based on language included in the General Provisions of the budget bill. Placing the language within the appropriations for the Department of

Amendments to House Bill 5001, As Introduced

Aviation makes the policy more accessible to other state agencies and to the public. (A companion amendment deletes the language from the General Provisions.)

Item 474 #1h

Transportation	FY 04-05	FY 05-06	
Department Of Aviation	\$695,474	\$695,474	NGF

Language:

Page 350, line 43, strike "\$22,083,915" and insert "\$22,779,389".

Page 350, line 43, strike "\$22,083,915" and insert "\$22,779,389".

Explanation:

(This amendment provides an additional \$695,474 each year for aviation projects, representing DOAV's share of the additional sales tax revenues generated by eliminating certain sales tax exemptions.)

Item 477 #1h

Transportation

Department Of Motor Vehicles

Language

Language:

Page 352, after line 48, insert:

"D. The Department of Motor Vehicles is hereby directed to implement, wherever possible, the recommendations of the Auditor of Public Accounts included in the study conducted pursuant to Item 1-2, Chapter 1042 of the Acts of Assembly of 2003. Further, the Department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on progress in implementing the Auditor of Public Account recommendations as well as the department's evaluation of the variable costs of providing customer services via the various service delivery methods by November 15, 2004."

Explanation:

(This amendment directs the Department of Motor Vehicles, where possible, to implement the recommendations of the Auditor of Public Accounts included in the report released November 2003 relating to cost accounting and the determination of the costs of services provided by DMV under different service delivery methods.)

Item 482 #1h

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 353, line 35, after "A.", insert "1."

Page 353, after line 38, insert:

"2. Not included in this appropriation is an amount estimated at \$10,122,400 the first year and \$10,403,000 the second year allocated directly to transit agencies from federal sources for the Surface Transportation Program (STP) and the Minimum Guarantee program."

Explanation:

(This amendment clarifies the actual federal revenue estimate for the six percent Surface Transportation Program (STP) and the 10 percent Minimum Guarantee program that flows directly to transit agencies from federal sources. The department does not receive the funding, and thus this funding is not appropriated.)

Item 482 #2h

Transportation

Department Of Rail And Public
Transportation

FY 04-05

\$4,259,778

FY 05-06

\$4,259,778 NGF

Language:

Page 353, line 27, strike "\$155,507,039" and insert "\$159,766,817".

Page 353, line 27, strike "\$252,963,017" and insert "\$257,222,795".

Explanation:

(This amendment provides an additional \$4.3 million each year for mass transit operating and capital programs, representing DRPT's share of the additional sales tax revenues generated by eliminating certain sales tax exemptions.)

Item 484 #1h

Transportation

Department Of Transportation

Language

Language:

Page 356, strike lines 17 through 22 and insert:

“E. Each year, as part of the six-year financial planning process, the Commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the Commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the Commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities. The Commissioner shall include annually in the update of the six-year plan a report on the department’s evaluations of outsourcing and devolution opportunities, and the outcome of those evaluations. Such report shall include an analysis of the costs of the services provided by the Commonwealth compared to costs associated with outsourcing those same services.”

Explanation:

(This amendment directs the Department of Transportation to include, as part of its annual six-year plan update process, a report of identified opportunities for outsourcing and devolution, and directs the Department to report on the outcomes of such evaluations annually in the six-year program.)

Item 487 #1h

Transportation

Department Of Transportation

Language

Language:

Page 356, at the beginning of line 42, insert "A."

Page 357, after line 12, insert:

"B. Out of the appropriation included for this item, \$75,000 in the first year shall be provided to fund the costs of engineering services required to continue efforts to select appropriate traffic calming methods for the Hunter Mill Road area in Fairfax County. VDOT shall transfer such funds to the County of Fairfax which shall be responsible for the conduct of the traffic calming study. The findings and recommendations of engineering review shall be presented to the Governor and the

Amendments to House Bill 5001, As Introduced

Chairmen of the Senate Finance and House Appropriations Committees by November 15, 2004."

Explanation:

(This amendment directs the Department of Transportation to transfer \$75,000 of planning funding in the first year to Fairfax County to continue evaluation of traffic calming for the Hunter Mill Road area in Fairfax County.)

Item 487 #2h

Transportation

Department Of Transportation

Language

Language:

Page 357, line 33, after "2002.", strike the remainder of the line.

Page 357, strike lines 34 through 39.

Page 357, line 40, at the beginning of the line strike "Transportation Board."

Explanation:

(This amendment strikes language expressing the General Assembly's intent to prioritize financing of the Coalfield's Expressway from all state and federal revenue sources above all other projects. Language directing the Department of Transportation to develop a plan of finance for Phase A of the project is retained.)

Item 487 #3h

Transportation

Department Of Transportation

Language

Language:

Page 356, at the beginning of line 42, insert "A."

Page 357, after line 12, insert:

"B. Out of the amounts provided for Ground Transportation System Planning and Research, the Department of Transportation, through the Virginia Transportation Research Council, shall allocate such amounts as may be required to study the use of soil stabilizers in highway shoulders at one or more selected locations. In conducting its evaluation, the Council shall include a cost/benefit analysis, with the objective of finding a method of substantially reducing the occurrence of pavement/shoulder drop-off at a reasonable cost. Findings of the evaluation shall be reported to the

Amendments to House Bill 5001, As Introduced

Chairmen of the House Appropriations and Senate Finance Committees no later than January 1, 2005."

Explanation:

(This amendment directs the Virginia Transportation Research Council to study the use of soil stabilizers for highway shoulder improvements.)

Item 488 #1h

Transportation	FY 04-05	FY 05-06	
Department Of Transportation	\$22,805,749	\$22,805,749	NGF

Language:

- Page 357, line 13, strike "\$962,522,060" and insert "\$985,327,809".
- Page 357, line 13, strike "\$1,033,940,184" and insert "\$1,056,745,933".
- Page 357, line 16, strike "\$170,346,051" and insert "\$179,468,350".
- Page 357, line 16, strike "\$196,008,007" and insert "\$205,130,306".
- Page 357, line 17, strike "\$168,868,869" and insert "\$175,710,594".
- Page 357, line 17, strike "\$190,871,968" and insert "\$197,713,693".
- Page 357, line 18, strike "\$121,792,551" and insert "\$128,634,276".
- Page 357, line 18, strike "\$139,739,251" and insert "\$146,580,976".

Explanation:

(This amendment provides an additional \$22.8 million each year for highway construction, representing VDOT's share of the additional sales tax revenues generated by eliminating certain sales tax exemptions.)

Item 493 #1h

Transportation	FY 04-05	FY 05-06	
Department Of Transportation	(\$130,400,000)	(\$141,600,000)	GF

Language:

- Page 359, line 2, strike "\$469,767,289" and insert "\$339,367,289".
- Page 359, line 2, strike "\$512,134,870" and insert "\$370,534,870".
- Page 363, strike lines 18 through 27.

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment eliminates the general fund deposit to the Priority Transportation Fund proposed in House Bill 5001. This appropriation was contingent upon passage of the Governor's tax package.)

Item 497 #1h

Transportation	FY 04-05	FY 05-06	
Virginia Port Authority	\$1,217,079	\$1,217,079	NGF

Language:

Page 364, line 16, strike "\$49,798,029" and insert "\$51,015,108".
Page 364, line 16, strike "\$54,332,460" and insert "\$55,549,539".

Explanation:

(This amendment provides an additional \$1.2 million each year for Port Authority projects, representing the VPA's share of the additional sales tax revenues generated by eliminating certain sales tax exemptions.)

Item 499 #1h

Central Appropriations

Central Appropriations

Language

Language:

Page 367, line 37, insert:
"State Police Retirement System, Virginia Law Officers' Retirement System, and the Judicial Retirement System".
Page 367, line 38, strike "Virginia Retirement System".
Page 367, line 39, after "rates.", insert:
"The savings for the Virginia Retirement System state employee system represent a 23-year amortization period for the assets and liabilities in determining employer contribution rates."

Explanation:

(This amendment establishes the amortization period for the state employee retirement system at 23 years as recommended by the VRS actuary certified by the VRS Board of Trustees.)

Amendments to House Bill 5001, As Introduced

Item 499 #2h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	(\$2,463,542)	(\$2,570,660)	GF

Language:

Page 367, line 3, strike "\$26,830,254" and insert "\$24,366,712".

Page 367, line 3, strike "\$27,996,808" and insert "\$25,426,148".

Page 367, line 43, strike "\$328,468" and insert "\$2,792,010".

Page 367, line 43, strike "\$342,757" and insert "\$2,913,417".

Page 367, line 49, strike "\$294,584" and insert "\$2,503,872".

Page 367, line 50, strike "\$307,394" and insert "\$2,612,882".

Explanation:

(This amendment reflects savings from the adjustment to the employer contribution rate for the retiree health credit. The employer contribution rate in the introduced budget did not include investment earnings on fund balances.)

Item 504 #1h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	(\$25,774,963)	(\$130,796,357)	GF

Language:

Page 370, line 26, strike "\$25,774,963" and insert "\$0".

Page 370, line 26, strike "\$130,796,357" and insert "\$0".

Page 370, strike line 25 through line 49, and insert "omitted."

Explanation:

(This amendment removes the contingent personal property tax reimbursement expenditures associated with the Governor's tax package.)

Item 505 #1h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	\$0	(\$105,309,298)	GF

Language:

Amendments to House Bill 5001, As Introduced

Page 370, line 50, strike "\$116,397,852" and insert "\$11,088,554".

Page 375, strike line 29 through line 49.

Page 376, strike lines 1 through line 12.

Page 376, line 13, strike "O." and insert "M."

Explanation:

(This amendment removes the December 2005 salary increase funding which was contingent upon passage of the Governor's tax package.)

Item 505 #2h

Central Appropriations

FY 04-05

FY 05-06

Central Appropriations

(\$38,980,479)

(\$41,302,630)

GF

Language:

Page 370, line 50, strike "\$12,058,693" and insert "(\$26,921,786)".

Page 370, line 50, strike "\$116,397,852" and insert "\$75,095,222".

Page 376, strike line 13 through 39 and insert:

"O.1. In fiscal year 2005, the Board of Trustees of the Virginia Retirement System (VRS) shall charge local school boards the employer normal cost rate for public school teachers established by the June 30, 2003 valuation of the VRS teacher system. In fiscal year 2006, the VRS Board of Trustees shall charge local school boards the employer normal cost rate established by the June 30, 2003, valuation report of the VRS teacher system plus an employer contribution rate that would fund one-third of the unpooled rate established for the amortization of the unfunded actuarial accrued liability based on a 30-year amortization period. The employer contribution rate representing the amortization of the unfunded actuarial accrued liability shall be increased by 33 percent each year thereafter until the unpooled employer contribution rate as determined in subsequent actuarial valuations is fully funded.

2. State payments or reimbursement for contributions to the VRS teacher system on behalf of local school boards shall not exceed the employer normal cost rate calculated for the June 30, 2003, actuarial valuation. Required employer contributions exceeding the normal cost rate shall be paid entirely by the employer.

3. The Director of the Department of Planning and Budget shall withhold and transfer to this item from the general fund appropriation for Direct Aid to Public Education an amount estimated at \$35,387,449 the first year and \$39,047,811 the second year representing the reduction in employer contribution rates for the teacher retirement

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system."

Explanation:

(This amendment establishes state reimbursement for the employer contribution rate for the VRS teacher system at the unpooled normal cost rate. The difference between the employer normal cost rate and the unpooled employer contribution rate calculated in the June 30, 2003, actuarial valuation will be phased in over a three year period until full funding is achieved.)

Item 505 #3h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	\$0	\$28,013,196	GF

Language:

Page 370, line 50, strike "\$116,397,852" and insert "\$144,411,048".
Page 374, strike line 26 through line 33.

Explanation:

(This amendment provides \$28,013,196 the second year from the general fund is provided for a three percent salary increase for state employees effective November 25, 2005.)

Item 505 #4h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	\$0	\$11,983,746	GF

Language:

Page 370, line 50, strike "\$116,397,852" and insert "\$128,381,598".

Explanation:

(This amendment provides \$11,983,746 the second year from the general fund for a three percent salary increase for higher education faculty effective November 25, 2005.)

Item 505 #5h

Amendments to House Bill 5001, As Introduced

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	\$0	\$12,408,550	GF

Language:

Page 370, line 50, strike "\$116,397,852" and insert "\$128,806,402".

Explanation:

(This amendment provides \$12,408,550 the second year from the general fund for a three percent salary increase effective December 1, 2005.)

Item 506 #1h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	(\$500,000)	(\$500,000)	GF

Language:

Page 376, line 40, strike "\$28,999,720" and insert "\$28,499,720".

Page 376, line 40, strike "\$25,784,869" and insert "\$25,284,869".

Page 377, line 30, strike "\$13,000,000" and insert "\$12,500,000".

Page 377, line 31, strike "\$10,000,000" and insert "\$9,500,000".

Explanation:

(This amendment redirects \$500,000 each year from the general fund appropriation for the Governor's Development Opportunity Fund to the Department of Housing and Community Development for a grant program geared toward attracting new and expanding businesses to economically distressed localities in the Commonwealth. A companion amendment to Item 112 increases funding for the Department of Housing and Community Development.)

Item 506 #2h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	(\$3,000,000)	\$0	GF

Language:

Page 376, line 40, strike "\$28,999,720" and insert "\$25,999,720".

Page 377, line 30, strike "\$13,000,000" and insert "\$10,000,000".

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Explanation:

(This amendment eliminates \$3.0 million of the \$5.5 million proposed appropriation increase for the Governor's Opportunity Fund that had been proposed in House Bill 5001. The remaining appropriation for the Opportunity Fund totals \$10.0 million each year.)

Item 506 #3h

Central Appropriations

FY 04-05

FY 05-06

Central Appropriations

(\$6,392,319)

(\$6,392,319) GF

Language:

Page 376, line 40, strike "\$28,999,720" and insert "\$22,607,401".

Page 376, line 40, strike "\$25,784,869" and insert "\$19,392,550".

Page 378, strike lines 24 through 32.

Explanation:

(This amendment eliminates funding for the Technology Research Fund and redirects it to colleges and universities to support undergraduate education enrollment growth and operating needs.)

Item 506 #4h

Central Appropriations

FY 04-05

FY 05-06

Central Appropriations

(\$2,000,000)

\$0 GF

Language:

Page 376, line 40, strike "\$28,999,720" and insert "\$26,999,720".

Page 379, line 26, strike "\$3,720,000" and insert "\$2,604,000".

Page 379, line 33, strike "\$3,000,000" and insert "\$2,116,000".

Page 379, after line 39, insert:

"L. It is the intent of the General Assembly to fulfill the commitments for the grant payments under the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Programs I & II, as provided for in §§ 59.1-284.14 and 59.1-284.15, Code of Virginia."

Explanation:

(This amendment defers a portion of the first year payments due under the

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semiconductor investment grants program. A total of \$4,720,000 in the first year remains.)

Item 506 #5h

Central Appropriations	FY 04-05	FY 05-06	
Central Appropriations	\$252,599	(\$252,599)	GF

Language:

Page 376, line 40, strike "\$28,999,720" and insert "\$29,252,319".

Page 376, line 40, strike "\$25,784,869" and insert "\$25,532,270".

Page 378, line 41, strike "\$637,401" and insert "\$890,000".

Page 378, line 42, strike "\$422,550" and insert "\$169,651".

Explanation:

(This amendment continues state support for the share of the debt service costs of the debt originally issued to construct the Virginia Horse Center. The full state share of funding is provided in the first year.)

Item 506 #6h

Central Appropriations		Language
Central Appropriations		

Language:

Page 378, line 9, after "law.", insert:

"In accordance with Chapters 1019 and 1044 of the Acts of Assembly of 2000, the project list is amended to include state road improvements for the APM terminal to address costs beyond the funding capability of existing programs."

Explanation:

(This amendment amends the VTA project list to include the APM terminal to address need for expedited improvements to roadways as part of the Maersk project in Portsmouth.)

Item 507 #1h

Central Appropriations

Central Appropriations

Language

Language:

Page 379, line 50, strike "the expenditure of".

Page 379, line 52, after "fund", insert "is provided".

Page 380, line 2, strike "is contingent upon the passage into law of the".

Page 380, strike line 3 through line 5 and insert "."

Explanation:

(This amendment removes language stating that funding for the Department of Forestry's radio system replacement is contingent upon passage of the Governor's tax proposal. FCC rules on the use of radio frequencies have changed, and as a result DOF will lose use of radios in one-third of the state by 2005 if the system is not replaced. This funding, to be provided through the master equipment lease program, is required to ensure that required system changes are funded.)

Item 507 #2h

Central Appropriations

Central Appropriations

FY 04-05

(\$250,000)

FY 05-06

(\$250,000) GF

Language:

Page 379, line 41, strike "\$2,633,599" and insert "\$2,383,599".

Page 379, line 41, strike "\$2,754,359" and insert "\$2,504,359".

Page 379, line 43, after "A.", insert "1."

Page 379, line 44, strike "\$2,510,000" and insert "\$2,260,000".

Page 379, line 46 after "project", strike remainder of line and insert "."

Page 379, strike lines 47 through 49.

Page 379, after line 49, insert:

"2. The Secretary of Public Safety, in conjunction with the Superintendent of State Police, shall provide a report on the scope of the contract for the Statewide Agencies Radio System, including projected total costs, time frames, and system capabilities, as well as a description of the project management plan and the role of project management on major project timelines for implementing such system. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2004."

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment removes contingent language included in the introduced budget and requires the submission of a status report on project implementation by October 1, 2004.)

Item 510 #1h

Independent Agencies	FY 04-05	FY 05-06	
State Corporation Commission	(\$700,000)	(\$1,400,000)	NGF

Language:

Page 382, line 35, strike "\$11,300,000" and insert "\$10,600,000".

Page 382, line 35, strike "\$12,000,000" and insert "\$10,600,000".

Explanation:

(This amendment directs anticipated increases in revenues generated by the uninsured motorists fee to the general fund. Companion amendment to Part 3 increases transfers to the general fund by \$700,000 in the first year and \$1.4 million in the second year.)

Item 513 #1h

Independent Agencies	FY 04-05	FY 05-06	
State Corporation Commission	\$10,000	\$10,000	NGF

Language:

Page 383, line 5, strike "\$24,214,998" and insert "\$24,224,998".

Page 383, line 5, strike "\$24,009,640" and insert "\$24,019,640".

Page 383, after line 10, insert:

"Out of the amounts appropriated to this item, the Commission is authorized to expend an amount not to exceed \$10,000 the first year and \$10,000 the second year for the payment of annual membership dues to the National Conference of Insurance Legislators."

Explanation:

(This amendment provides for the payment of annual membership dues to the National Conference of Insurance Legislators. This organization exists to educate state legislators about the insurance industry, insurance regulation, and developing

Amendments to House Bill 5001, As Introduced

insurance issues in both Congress and other states.)

Item 522 #1h

Independent Agencies	FY 04-05	FY 05-06	
Virginia Retirement System	(\$172,000)	(\$172,000)	GF

Language:

Page 386, line 2, strike "\$22,651,837" and insert "\$22,479,837".

Page 386, line 2, strike "\$23,943,701" and insert "\$23,771,701".

Page 386, line 25, strike "\$250,000" and insert "\$78,000".

Explanation:

(This amendment retains funding to reimburse the Virginia Retirement System for administrative costs associated with the VOLSAP program.)

Item C-5 #1h

Commerce And Trade	FY 04-05	FY 05-06	
Department Of Agriculture And Consumer Services	(\$264,000)	(\$463,000)	NGF

Language:

Page 393, line 40, strike "\$264,000" and insert "\$0".

Page 393, line 40, strike "\$463,000" and insert "\$0".

Page 393, after line 41, insert:

"The Department of Agriculture and Consumer Services may examine the financial feasibility of using revenue supported bonds of the Virginia Public Building Authority to construct a marketing office on the Eastern Shore."

Explanation:

(This amendment removes general fund supported debt for a marketing office on the eastern shore in the introduced budget and allows the Department of Agriculture and Consumer Services to examine the financial feasibility of using revenue bonds.)

Item C-15.10 #1h

Amendments to House Bill 5001, As Introduced

Education: Higher Education	FY 04-05	FY 05-06
The College Of William And Mary In Virginia	\$2,821,000	\$0 NGF

Language:

Page 395, after line 13, insert:

"C-15.10. New Construction: Parking Deck Supplement	\$2,821,000	\$0
Fund Sources: Bond Proceeds	\$2,821,000".	\$0".

Explanation:

(This amendment provides additional nongeneral 9(d) debt authorization to supplement the construction of a new parking deck.)

Item C-15.10 #2h

Education: Higher Education	FY 04-05	FY 05-06
The College Of William And Mary In Virginia	\$3,500,000	\$0 NGF

Language:

Page 395, after line 13, insert:

"C-15.10. New Construction: Ash Lawn Fund Sources: Higher Education Operating	\$3,500,000 \$3,500,000".	\$0 \$0".
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The General Assembly authorizes the College of William and Mary to enter into written agreement with Ash Lawn Opera Festival Foundation to design, construct, support and maintain an outdoor performance facility at Ash Lawn Highland. The facility may be located on property owned by the Commonwealth. The College of William and Mary is also authorized to enter into a written agreement with Ash Lawn Opera Festival Foundation to lease the facility to the Foundation. The General Assembly further states its intent to permit construction of this project in accordance with state law, the College's nongeneral fund Memorandum of Understanding with the Secretaries of Administration and Finance, and with agreement by the Foundation to provide all funds required for design and construction from private funds."

Explanation:

(This amendment is self-explanatory.)

Education: Higher Education	FY 04-05	FY 05-06
The College Of William And Mary In Virginia	\$15,000,000	\$0 NGF

Language:

Page 395, after line 13, insert:

"C-15.10. New Construction: Business School
Fund Sources: Higher Education Operating \$15,000,000". \$0

1. Subject to § 4-4.01x. of this act and approval of a Final Project Proposal by the Commonwealth of Virginia, the General Assembly authorizes the College of William and Mary, with the approval of the Governor, to explore and evaluate an alternative financing scenario to support construction of a new School of Business facility or facilities on the main campus of the College.

2. The General Assembly authorizes the College of William and Mary to enter into a written agreement with the School of Business Foundation or other private entity to design, construct and finance a facility or facilities to provide classroom, faculty office, and other operational related academic and support space for the College's School of Business. The facility or facilities may be located on property owned by the Commonwealth of Virginia. The College of William and Mary is also authorized to enter into a written agreement with the School of Business Foundation or private entity to lease a suitable site to the Foundation or private entity and to lease the facility or facilities from the Foundation of private entity once constructed.

3. The General Assembly further authorizes the College of William and Mary to enter into a written agreement with the School of Business Foundation or other private entity for the support of the facility or facilities by including the facility or facilities in the College's facility inventory and managing its operation and maintenance, and by otherwise supporting the facility or facilities consistent with law, provided that the College shall not be required to take any action that would constitute a breach of the College's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the College or the Commonwealth of Virginia.

4. The General Assembly further states its intent to permit construction of this project in accordance with state law, the College's nongeneral fund Memorandum of

Amendments to House Bill 5001, As Introduced

Understanding with the Secretaries of Administration and Finance, and with agreement by the School of Business Foundation or other private entity to provide from private funds a substantial majority of the cost of the project and the funds necessary to retire any related debt service."

Explanation:

(This amendment is self-explanatory.)

Item C-16.10 #1h

Education: Higher Education

Richard Bland College

Language

Language:

Page 395, after line 21, insert:

"C-16.10.

The General Assembly authorizes Richard Bland College to enter into a written agreement with its affiliated foundation to construct one or more facilities to provide on-campus housing on College land to be leased to said foundation for such purposes. Richard Bland College is also authorized to enter into a written agreement with said foundation for the support of such student housing facilities and management of the operation and maintenance of the same."

Explanation:

(This amendment is self-explanatory.)

Item C-17.10 #1h

Education: Higher Education

Virginia Institute Of Marine Science

FY 04-05

\$0
\$2,000,000

FY 05-06

\$0 GF
\$0 NGF

Language:

Page 395, after line 27, insert:

"C-17.10. New Construction: Field Support Center

\$2,000,000

\$0

Fund Sources: Higher Education Operating Bond Proceeds

\$280,000
\$1,720,000".

\$0".

Explanation:

(This amendment provides funds to replace the field support facility destroyed during Hurricane Isabel and consolidate instrument repair shops and fleet management offices. The source of the nongeneral funds will be the State Insurance Reserve Trust Funds.)

Item C-18 #1h

Education: Higher Education

George Mason University

Language

Language:

Page 395, after line 33, insert:

"1. The General Assembly authorizes George Mason University, with approval of the Governor, to explore and evaluate an alternative financing scenario to provide an addition to the existing Krasnow Institute. This project must be consistent with the Virginia Uniform Statewide Building Code 7 of October 1, 2003, and comply with Treasury Board Guidelines pursuant to § 23-19(d)(4), Code of Virginia, and subsequent amendments thereto.

2. The General Assembly authorizes George Mason University to enter into written agreement with a public or private entity to design, construct and finance an addition to the existing Krasnow Institute. The addition may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item.

3. In the event the Krasnow Institute project is financed through alternative financing and is constructed on land owned by or leased to a private University-related foundation, or owned by or leased to a private entity, such project shall continue to be exempt from all requirements of any county or city zoning ordinances, and such project may be administered in accordance with a nongeneral fund decentralization Memorandum of Understanding with the Secretaries of Administration and Finance pursuant to § 4-5.08 of this act."

Explanation:

(This amendment is self-explanatory.)

Item C-29.10 #1h

Education: Higher Education

George Mason University

Language

Language:

Page 397, after line 3, insert:

"C-29.10.

1. The General Assembly authorizes George Mason University, with approval of the Governor, to explore and evaluate an alternative financing scenario to provide a Conference Center for the Institute for Conflict Analysis and Resolution. This project must be consistent with the Virginia Uniform Statewide Building Code 7 of October 1, 2003, and comply with Treasury Board Guidelines pursuant to § 23-19(d)(4), Code of Virginia, and subsequent amendments thereto.

2. The General Assembly authorizes George Mason University to enter into written agreement with a public or private entity to design, construct and finance a Conference Center for the Institute for Conflict Analysis and Resolution. The Conference Center may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item.

3. In the event the Conference Center for the Institute for Conflict Analysis and Resolution is financed through alternative financing and is constructed on land owned by or leased to a private University-related foundation, or owned by or leased to a private entity, such project shall continue to be exempt from all requirements of any county or city zoning ordinances, and such project may be administered in accordance with a nongeneral fund decentralization Memorandum of Understanding with the Secretaries of Administration and Finance pursuant to § 4-5.08 of this act."

Explanation:

(This amendment is self-explanatory.)

Item C-29.10 #2h

Education: Higher Education

George Mason University

FY 04-05
\$3,325,000

FY 05-06
\$0 NGF

Language:

Page 397, after line 3, insert:

"C-29.10. Improvements: North Loop

\$3,325,000

\$0

Amendments to House Bill 5001, As Introduced

Utility Infrastructure
 Fund Sources: Bond Proceeds \$3,325,000". \$0".

Explanation:

(This amendment requests funding to add water tunnel capacity serving the campus.)

Item C-34.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
James Madison University	\$8,000,000	\$0 NGF

Language:

Page 397, after line 26, insert:

"C-34.10. New Construction: Multipurpose Recreational Fields	\$8,000,000	\$0
Fund Sources: Higher Education Operating Bond Proceeds	\$2,000,000 \$6,000,000".	\$0".

Explanation:

(This amendment would provide nongeneral fund and 9(d) revenue bond authority to construct additional student recreation fields.)

Item C-34.10 #2h

Education: Higher Education	FY 04-05	FY 05-06
James Madison University	\$13,600,000	\$0 NGF

Language:

Page 397, after line 26, insert:

"C-34.10. New Construction: Parking Deck	\$13,600,000	\$0
Fund Sources: Higher Education Operating Bond Proceeds	\$5,000,000 \$8,600,000".	\$0".

Explanation:

(This amendment would provide nongeneral fund and 9(d) revenue bond authority to construct a new parking deck.)

Amendments to House Bill 5001, As Introduced

Item C-39 #1h

Education: Higher Education	FY 04-05	FY 05-06
Mary Washington College	\$5,000,000	\$5,000,000 NGF

Language:

Page 398, line 9, strike "\$20,000,000" and insert "\$25,000,000".

Page 398, line 9, strike "\$0" and insert "\$5,000,000".

Explanation:

(This amendment would provide additional nongeneral fund authority because of more accurate cost estimate on the construction of a convocation center.)

Item C-40 #1h

Education: Higher Education	FY 04-05	FY 05-06
Mary Washington College	\$1,000,000	\$1,000,000 NGF

Language:

Page 398, line 11, strike "\$5,000,000" and insert "\$6,000,000".

Page 398, line 11, strike "\$0" and insert "\$1,000,000".

Explanation:

(This amendment would provide additional nongeneral fund authority because of more accurate cost estimate on the construction of a parking deck.)

Item C-41.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
Mary Washington College	\$1,500,000	\$1,500,000 NGF

Language:

Page 398, after line 15, insert:

"C-41.10. New Construction: Bell Tower	\$1,500,000	\$1,500,000
Fund Sources: Higher Education Operating	\$1,500,000".	\$1,500,000".

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment would fund the construction of a Bell Tower. The source of funds is private gifts and donations.)

Item C-41.10 #2h

Education: Higher Education	FY 04-05	FY 05-06
Mary Washington College	\$1,100,000	\$1,100,000 NGF

Language:

Page 398, after line 15, insert:

"C-41.10. Acquisition: Property Acquisition	\$1,100,000	\$1,100,000
Fund Sources: Higher Education Operating	\$1,100,000".	\$1,100,000".

Explanation:

(This amendment would provide nongeneral fund authority for property acquisition. The source of funds is auxiliary enterprise reserves.)

Item C-42 #1h

Education: Higher Education	FY 04-05	FY 05-06
Norfolk State University	(\$1,469,000)	(\$1,469,000) GF

Language:

Page 398, line 19, strike "\$1,469,000" and insert "\$0".

Page 398, line 19, strike "\$1,469,000" and insert "\$0".

Explanation:

(This amendment removes the general funds for maintenance reserve at Norfolk State University. Funding is available in a companion amendment creating the new Building Systems Repair and Replacement Fund under Item C-194.10.)

Item C-43.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
Norfolk State University	\$4,100,000	\$0 NGF

Language:

Page 398, after line 23, insert:

Amendments to House Bill 5001, As Introduced

"C-43.10. New Construction: Police and Public Safety Building	\$4,100,000	\$0
Fund Sources: Bond Proceeds	\$4,100,000".	\$0".

Explanation:

(This amendment would provide funding for a new 25,000 square foot building to support the University's law enforcement and public safety functions.)

Item C-52.10 #1h

Education: Higher Education

Old Dominion University

Language

Language:

Page 399, after line 26, insert:

"C-52.10.

"The General Assembly authorizes Old Dominion University to enter into a written agreement with the City of Norfolk for the development of recreational facilities, off-street parking and associated infrastructure adjacent to the University where the City plans to develop a public golf course and stadium for the joint usage for several public high schools, as well as the University. The University is authorized to convey parcels of land to the City of Norfolk and/or the Norfolk Redevelopment and Housing Authority for the purpose of constructing these recreational facilities, including necessary off-street parking, street improvements, and associated infrastructure consistent with the City's and the University's master plans. In addition, the University is further authorized to convey to the City of Norfolk and/or the Norfolk Redevelopment and Housing Authority residual parcels of land south of 43rd Street for the purpose of constructing market-rate housing. Any and all such conveyances shall be upon terms satisfactory to the University."

Explanation:

(This amendment is self-explanatory.)

Item C-52.10 #2h

Education: Higher Education

Old Dominion University

FY 04-05

\$1,020,869

FY 05-06

\$0 NGF

Amendments to House Bill 5001, As Introduced

Language:

Page 399, after line 26, insert:

"C-52.10. Improvements: 43rd Street Improvements	\$1,020,869	\$0
Fund Sources: Bond Proceeds	\$1,020,869".	\$0".

Explanation:

(This amendment would provide funding for an improved four-lane median, divided, landscaped thoroughfare along the southern edge of the campus – 43rd Street from Hampton Boulevard to Powhatan Avenue.)

Item C-52.10 #3h

Education: Higher Education

Old Dominion University

FY 04-05
\$16,500,000

FY 05-06
\$0 NGF

Language:

Page 399, after line 26, insert:

"C-52.10. Improvements: Health and Physical Education Building Renovation and Addition	\$16,500,000	\$0
Fund Sources: Higher Education Operating Bond Proceeds	\$12,982,000 \$3,518,000".	\$0".

Explanation:

(This amendment would provide funding to renovate the existing physical education facility to support the academic needs of the Department of Exercise Science and to serve as a Recreational Center.)

Item C-55.10 #1h

Education: Higher Education

Radford University

FY 04-05
\$670,000

FY 05-06
\$0 NGF

Language:

Page 399, after line 39, insert:

"C-55.10. Planning: Heth Hall Renovation	\$670,000	\$0
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Amendments to House Bill 5001, As Introduced

Fund Sources: Higher Education Operating \$670,000". \$0".

Explanation:

(This amendment would provide nongeneral fund authority to begin planning the proposed renovation of Heth Hall and determine its appropriate use after the new Student Union facility opens in Fall 2005.)

Item C-67.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
University Of Virginia	\$3,500,000	\$0 NGF

Language:

Page 401, after line 6, insert:
 "C-67.10. New Construction: Campbell Hall \$3,500,000 \$0
 Addition Supplement
 Fund Sources: Higher Education Operating \$3,500,000". \$0".

Explanation:

(This amendment would provide supplemental nongeneral fund authorization for the Campbell Hall Addition project to reflect current cost estimates. The source of the nongeneral funds is private gifts and grants.)

Item C-67.10 #2h

Education: Higher Education	FY 04-05	FY 05-06
University Of Virginia	\$2,200,000	\$0 NGF

Language:

Page 401, after line 6, insert:
 "C-67.10. Improvements: Renovate Varsity \$2,200,000 \$0
 Hall
 Fund Sources: Higher Education Operating \$2,200,000". \$0".

Explanation:

(This amendment would provide nongeneral fund authorization to fund the renovation of Varsity Hall which is being relocated as part of the Rouss Hall project.

Amendments to House Bill 5001, As Introduced

The source of the nongeneral funds is private gifts and grants.)

Item C-67.10 #3h

Education: Higher Education

University Of Virginia

FY 04-05
\$15,000,000

FY 05-06
\$0 NGF

Language:

Page 401, after line 6, insert:

"C-67.10. Acquisition: Advanced Research
Technology Facility

\$15,000,000

\$0

Fund Sources: Bond Proceeds

\$15,000,000".

\$0".

Explanation:

(This amendment would provide nongeneral fund bond authorization to fund the acquisition of the renovation of the Advanced Research Technology Facility. The facility will be built by the UVA Foundation at its Fontaine Research Park and will house multi-disciplinary research centers and labs. The source of the nongeneral funds will be indirect cost recoveries on research grants.)

Item C-67.10 #4h

Education: Higher Education

University Of Virginia

FY 04-05
\$0

FY 05-06
\$6,000,000 NGF

Language:

Page 401, after line 6, insert:

"C-67.10. Improvements: McLeod Hall
Addition

\$0

\$6,000,000

Fund Sources: Bond Proceeds

\$0".

\$6,000,000".

Explanation:

(This amendment would provide bond authorization to fund the renovation and addition to McLeod Hall which supports the School of Nursing programs.)

Item C-71.10 #1h

Amendments to House Bill 5001, As Introduced

Education: Higher Education	FY 04-05	FY 05-06
University Of Virginia Medical Center	\$24,000,000	\$0 NGF

Language:

Page 401, after line 23, insert:

"C-71.10. Improvements: Hospital Expansion	\$24,000,000	\$0
Fund Sources: Bond Proceeds	\$24,000,000".	\$0".

Explanation:

(This amendment would provide additional nongeneral fund bond authorization for the existing project to expand the UVA Hospital. The increased authorization would provide for the purchase of two additional operating rooms and hospital equipment. The source of the nongeneral funds will be patient revenues.)

Item C-80.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
Virginia Commonwealth University	\$15,300,000	\$0 NGF

Language:

Page 402, after line 23, insert:

"C-80.10. New Construction: New School of Business	\$15,300,000	\$0
Fund Sources: Bond Proceeds	\$15,300,000".	\$0".

Explanation:

(This amendment provides funding to plan and construct the new School of Business on the Monroe Campus of Virginia Commonwealth University. This project is part of the state's investment in the development of the new campus which is supported by \$102 million in private donations.)

Item C-80.30 #1h

Education: Higher Education	FY 04-05	FY 05-06
Virginia Commonwealth University	\$14,000,000	\$0 NGF

Amendments to House Bill 5001, As Introduced

Language:

Page 402, after line 23, insert:

"C-80.30. New Construction: Monroe Campus Parking Deck	\$14,000,000	\$0
Fund Sources: Bond Proceeds	\$14,000,000".	\$0".

Explanation:

(This amendment would provide 9(d) nongeneral fund bond authorization for a new 800-car parking deck to serve students and programs on the Monroe Campus.)

Item C-80.40 #1h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Commonwealth University	\$5,000,000	\$0 NGF
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Language:

Page 402, after line 23, insert:

"C-80.40. Improvements: Renovate Hunton Hall	\$5,000,000	\$0
Fund Sources: Bond Proceeds	\$5,000,000".	\$0".

Explanation:

(This amendment requests 9(d) nongeneral fund bond authority to renovate Hunton Hall as a student center on the MCV Campus. Debt service will be paid from auxiliary enterprise revenues.)

Item C-82 #1h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Commonwealth University	\$3,000,000	\$0 NGF
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Language:

Page 402, line 29, strike "\$11,308,000" and insert "\$14,308,000".

Explanation:

(This amendment would provide 9(d) nongeneral fund bond authorization for the

Amendments to House Bill 5001, As Introduced

new School of Nursing project in the introduced budget. Debt service will be paid from private funds.)

Item C-85 #1h

Education: Higher Education	FY 04-05	FY 05-06
Virginia Commonwealth University	(\$6,000,000)	\$0 NGF

Language:

Page 402, line 37, strike "\$6,000,000" and insert "\$0".

Page 402, strike lines 38 and 39.

Explanation:

(This amendment eliminates the simulation lab renovation.)

Item C-108.10 #1h

Education: Higher Education	FY 04-05	FY 05-06
Virginia Community College System	\$750,000	\$0 NGF

Language:

Page 405, after line 33, insert:

"C-108.10. Improvements: Lab Renovations, Central Virginia Fund Sources: Bond Proceeds

\$750,000

\$0

\$750,000".

\$0".

Explanation:

(This amendment provides funding to renovate four science labs at Central Virginia Community College. This project was recommended as a high priority by the State Council of Higher Education.)

Item C-108.10 #2h

Education: Higher Education	FY 04-05	FY 05-06
Virginia Community College System	\$2,100,000	\$0 NGF

Language:

Amendments to House Bill 5001, As Introduced

Page 405, after line 33, insert:

"C-108.10. New Construction: Science Building Addition, Blue Ridge	\$2,100,000	\$0
Fund Sources: Bond Proceeds	\$2,100,000".	\$0".

Explanation:

(This amendment would provide funding to build an addition to the Science Building at Blue Ridge Community College to accommodate enrollment growth. This project was recommended as a high priority by the State Council of Higher Education.)

Item C-108.10 #3h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Community College System	\$400,000	\$0 NGF
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Language:

Page 405, after line 33, insert:

"C-108.10. New Construction: Bookstore, Blue Ridge	\$400,000	\$0
Fund Sources: Higher Education Operating	\$400,000".	\$0".

Explanation:

(This amendment would provide funding to build a new bookstore at Blue Ridge Community College.)

Item C-119.10 #1h

Education: Higher Education

FY 04-05

FY 05-06

Virginia Military Institute	\$4,500,000	\$0 NGF
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Language:

Page 408, after line 30, insert:

"C-119.10. Improvements: Renovate Kilbourne Hall - Phase I	\$4,500,000	\$0
Fund Sources: Bond Proceeds	\$4,500,000".	\$0".

Amendments to House Bill 5001, As Introduced

Explanation:

(This amendment provides funds to renovate Kilbourne Hall.)

Item C-124 #1h

Education: Higher Education

Virginia State University

FY 04-05

(\$1,202,000)

FY 05-06

(\$1,202,000) GF

Language:

Page 409, line 14, strike "\$1,202,000" and insert "\$0".

Page 409, line 14, strike "\$1,202,000" and insert "\$0".

Explanation:

(This amendment removes the general funds for maintenance reserve at Virginia State University. Funding is available in a companion amendment creating the new Building Systems Repair and Replacement Fund under Item C-194.10.)

Item C-131.10 #1h

Education: Other

Jamestown-Yorktown Foundation

FY 04-05

\$950,000

FY 05-06

\$0 NGF

Language:

Page 410, after line 4, insert:

"C-131.10. New Construction: Jamestown
Ships

\$950,000

\$0

Fund Sources: Bond Proceeds

\$950,000".

\$0".

Explanation:

(This amendment would provide funds to increase the size of the Godspeed and Discovery in anticipation of the increased visitation in 2007.)

Item C-131.10 #2h

Education: Other

Jamestown-Yorktown Foundation

FY 04-05

\$585,000

FY 05-06

\$0 NGF

Amendments to House Bill 5001, As Introduced

Language:

Page 410, after line 4, insert:

"C-131.10. Improvements: Mathews Gallery Lighting	\$585,000	\$0
Fund Sources: Bond Proceeds	\$585,000".	\$0".

Explanation:

(This amendment would provide funds to replace technology and lighting in the Mathews Gallery. The new systems will support programming tied to the 225th commemoration of the siege at Yorktown and marketing strategies related to 2007.)

Item C-163 #1h

Public Safety

Department Of Corrections, Central
Activities

FY 04-05
(\$7,900,000)

FY 05-06
\$0 NGF

Language:

Page 415, line 8, strike "\$7,900,000" and insert "\$0".

Explanation:

(This amendment eliminates a new dairy and dairy processing center in the Department of Corrections.)

Item C-169.10 #1h

Transportation

Department Of Motor Vehicles

FY 04-05
\$2,500,000

FY 05-06
\$0 NGF

Language:

Page 416, after line 44, insert:

"C-169.10. New Construction: Truck Inspection Station	\$2,500,000	\$0
Fund Sources: Bond Proceeds	\$2,500,000".	\$0".

Explanation:

Amendments to House Bill 5001, As Introduced

(This amendment provides nongeneral fund bond authority to construct a truck inspection station on the Route 234 corridor.)

Item C-194 #1h

Central Appropriations	FY 04-05	FY 05-06
Central Capital Outlay	(\$25,000,000)	(\$25,000,000) GF

Language:

- Page 420, line 6, strike "\$25,000,000" and insert "\$0".
- Page 420, line 6, strike "\$25,000,000" and insert "\$0".
- Page 420, strike lines 7 through 55.
- Page 421, strike lines 1 through 36.

Explanation:

(This amendment removes the general funds for the maintenance reserve program. Funding is available in a companion amendment creating the new Building Systems Repair and Replacement Fund under Item C-194.10.)

Item C-194.10 #1h

Central Appropriations	FY 04-05	FY 05-06
Central Capital Outlay	\$100,000,000	\$100,000,000 NGF

Language:

- Page 421, after line 36, insert:
 - "C-194.10. Improvements: Building Systems Repair and Replacement Fund
 - Fund Sources: Bond Proceeds
- | | | |
|--|-----------------|-----------------|
| | \$100,000,000 | \$100,000,000 |
| | \$100,000,000". | \$100,000,000". |

A. A total of \$100,000,000 each year from bond proceeds is provided to state agencies and institutions for the repair and replacement of building systems and infrastructure. The Director or the Department of Planning and Budget is hereby directed to transfer to agencies and institutions the following sums:

Agency Code	Agency Name	Project Code	Building Fund FY 2005	Building Fund FY 2006
123	Department of Military Affairs	10893	810,000	810,000
127	Department of Emergency Management	15989	100,000	100,000

Amendments to House Bill 5001, As Introduced

140	Department of Criminal Justice	16320	100,000	100,000
146	The Science Museum of Virginia	13634	1,200,000	1,200,000
156	Department of State Police	10886	200,000	200,000
161	Department of Taxation	15994	75,000	75,000
194	Department of General Services	14260	4,000,000	4,000,000
199	Department of Conservation and Recreation	16646	400,000	400,000
203	Woodrow Wilson Rehabilitation Center	10885	1,200,000	1,200,000
204	The College of William and Mary in Virginia	12713	4,200,000	4,200,000
207	University of Virginia	12704	13,255,000	13,255,000
208	Virginia Polytechnic Institute and State University	12707	12,200,000	12,200,000
211	Virginia Military Institute	12732	2,150,000	2,150,000
212	Virginia State University	12733	2,050,000	2,050,000
213	Norfolk State University	12724	2,250,000	2,250,000
214	Longwood University	12722	2,200,000	2,200,000
215	Mary Washington College	12723	500,000	500,000
216	James Madison University	12718	4,500,000	4,500,000
217	Radford University	12731	1,700,000	1,700,000
221	Old Dominion University	12710	1,900,000	1,900,000
236	Virginia Commonwealth University	12708	7,200,000	7,200,000
238	Virginia Museum of Fine Arts	13633	1,200,000	1,200,000
239	Frontier Culture Museum of Virginia	15045	150,000	150,000
241	Richard Bland College	12716	45,000	45,000
242	Christopher Newport University	12719	400,000	400,000
246	University of Virginia's College at Wise	12706	400,000	400,000
247	George Mason University	12712	4,300,000	4,300,000
260	Virginia Community College System	12611	9,900,000	9,900,000
268	Virginia Institute of Marine Science	12331	600,000	600,000
301	Department of Agriculture and Consumer Services	12253	250,000	250,000
402	Marine Resources Commission	16498	100,000	100,000
409	Department of Mines, Minerals and Energy	13096	100,000	100,000

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411	Department of Forestry	13986	240,000	240,000
417	Gunston Hall	12382	75,000	75,000
425	Jamestown-Yorktown Foundation	13605	500,000	500,000
702	Department for the Blind and Vision Impaired	13942	350,000	350,000
720	Department of Mental Health, Mental Retardation and Substance Abuse Services	10880	10,000,000	10,000,000
777	Department of Juvenile Justice	15081	3,000,000	3,000,000
799	Department of Corrections	10887	6,000,000	6,000,000
942	Virginia Museum of Natural History	14439	100,000	100,000
948	Southwest Virginia Higher Education Center	16499	100,000	100,000
	Total		100,000,000	100,000,000

B. Agencies and institutions of higher education may use these funds in the first year to plan subprojects to be funded from allocations in the second year. Agencies and institutions of higher education may expend up to \$3,000,000 for a single repair or project through the building system repair and replacement fund without a separate appropriation.

C. State agencies and institutions of higher education may use these funds to repair or replace damaged or inoperable equipment, components of plant, and utility systems; correct deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; correct deficiencies in fire protection, energy conservation and handicapped access; and address such other physical plant deficiencies as the Director, Department of Planning and Budget, may approve. State agencies and institutions of higher education may also use these funds to make other necessary improvements or address minor deficiencies that do not meet the criteria for this program with the prior approval of the Director of the Department of Planning and Budget."

Explanation:

(This amendment provides \$100 million each year from bond proceeds to address the repair and replacement of major building systems and infrastructure. The average useful life of the projects addressed under this program exceeds 15 years. The bonds have an average maturity of 10 years. This program will allow the Commonwealth to eliminate the accumulated backlog of projects of this type in four to six years. A

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companion amendment found under Item 296 provides the debt service for this program.)

Item C-195 #1h

Central Appropriations	FY 04-05	FY 05-06
Central Capital Outlay	(\$7,500,000)	\$0 GF

Language:

Page 421, line 38, strike "\$7,500,000" and insert "\$0".

Page 421, strike lines 39 through 43.

Explanation:

(This amendment removes funding for a central repair fund. Funding is available in a companion amendment creating the new Building Systems Repair and Replacement Fund is under Item C-194.10.)

Item C-196 #1h

Central Appropriations	FY 04-05	FY 05-06
Central Capital Outlay	(\$10,000,000)	\$0 NGF

Language:

Page 421, line 45, strike "\$10,000,000" and insert "\$0".

Page 421, after line 45, insert:

"The Biotech Research Park Authority may examine the financial feasibility of using revenue supported bonds of the Virginia Public Building Authority to construct a commercial biotechnology facility."

Page 421, strike lines 46 through 55.

Page 422, strike lines 1 through 7.

Explanation:

(This amendment removes general fund supported debt for a commercial biotechnology facility in the introduced budget and allows the Biotech Research Park Authority to examine the financial feasibility of using revenue bonds.)

Item 3-1.01 #1h

Transfers

Interfund Transfers

Language

Language:

Page 438, after line 28, insert:

"FF. The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional Office is currently located. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be \$3,000,000, shall be deposited into the general fund no later than June 30, 2006."

Explanation:

(This amendment directs the Department of Alcoholic Beverage Control to sell property it owns in Alexandria and to deposit the proceeds from the sale into the general fund. A companion amendment is included to transfer the funds received to the general fund.)

Item 3-1.01 #2h

Transfers

Interfund Transfers

Language

Language:

Page 432, line 18, strike the first "\$48,214,022" and insert "\$58,714,022".

Page 432, line 18, strike the second "\$48,214,022" and insert "\$58,714,022".

Explanation:

(This amendment increases the amounts transferred to the general fund from the Alcoholic Beverage Control Enterprise Fund for the expenses incurred for care, treatment, study and rehabilitation of alcoholics. This increase in funds is based on an additional three percent increase in the purchase price of alcoholic beverages.)

Item 3-1.01 #3h

Transfers

Interfund Transfers

Language

Language:

Page 438, line 6, strike "\$294,584" and insert "\$2,503,872".

Page 438, line 8, strike "\$307,394" and insert "2,612,882".

Explanation:

(This amendment reflects nongeneral fund savings from the adjustment to the employer contribution rate for the retiree health credit. The employer contribution rate in the introduced budget does not account for investment earnings on fund balances.)

Item 3-1.01 #4h

Transfers

Interfund Transfers

Language

Language:

Page 438, line 2, after "transfer." strike the remainder of the line.

Page 438, strike line 3 and line 4.

Explanation:

(This amendment removes a contingent transfer of nongeneral fund savings due to the 30-year amortization of VRS rates in the introduced budget.)

Item 3-1.01 #5h

Transfers

Interfund Transfers

Language

Language:

Page 435, line 41, strike "\$54,922" and insert, "\$109,845".

Page 435, line 41, strike "\$27,461" and insert, "\$109,845".

Explanation:

(This amendment sets the Part 3 transfer from VEC at the level proposed by the Governor if the tax package were not adopted.)

Item 3-1.01 #6h

Transfers

Interfund Transfers

Language

Amendments to House Bill 5001, As Introduced

Language:

Page 432, line 61, after "quarter.", insert:

"Distributions of net profits from the sale of alcoholic beverages to localities shall not exceed \$4,150,000 the first year and \$4,150,000 the second year."

Explanation:

(This amendment requires no more than \$4,150,000 each year be distributed to localities from the net profits produced from the sale of alcoholic beverages by the Department of Alcoholic Beverage Control.)

Item 3-1.01 #7h

Transfers

Interfund Transfers

Language

Language:

Page 437, line 35, strike the first "\$5,000,000" and insert "\$5,700,000".

Page 437, line 35, strike the second "\$5,000,000" and insert "\$6,400,000".

Page 437, line 36, strike "Of that amount in each year, \$5,000,000" and insert:
"These amounts".

Explanation:

(This amendment increases the transfer to the general fund from the uninsured motorist fund by \$700,000 in the first year, and \$1,400,000 in the second year. The increased transfer represents projected increases in revenues generated by the current fee over the fiscal year 2004 level.)

Item 3-1.01 #8h

Transfers

Interfund Transfers

Language

Language:

Page 435, line 26, after "Q." strike "1."

Page 435, line 28, after "indicated.", strike the remainder of the line.

Page 435, strike line 29 through line 31.

Page 436, strike line 21 through line 61.

Page 437, strike line 1 through line 6.

Explanation:

(This amendment strikes language that had been included in House Bill 5001 making certain transfers to the general fund contingent upon the passage of the Governor's tax package and strikes additional transfers proposed if the tax package were not approved.)

Item 3-1.01 #9h

Transfers

Interfund Transfers

Language

Language:

Page 432, line 18, strike the first "\$48,214,022" and insert "\$49,838,471".

Page 432, line 18, strike the second "\$48,214,022" and insert "\$49,838,471".

Explanation:

(This amendment increases the amounts transferred to the general fund from the Alcoholic Beverage Control Enterprise Fund for the expenses incurred for care, treatment, study and rehabilitation of alcoholics. This increase in funds is based on Sunday sales per House Bill 1314.)

Item 3-1.01 #10h

Transfers

Interfund Transfers

Language

Language:

Page 432, line 18, strike the first "\$48,214,022" and insert "\$50,607,320".

Page 432, line 18, strike the second "\$48,214,022" and insert "\$50,607,320".

Explanation:

(This amendment increases the amounts transferred to the general fund from the Alcoholic Beverage Control Enterprise Fund for the expenses incurred for care, treatment, study and rehabilitation of alcoholics. This increase is based upon an increase in ABC license and permit fees.)

Adjustments and Modifications to Fees

Recordation Tax Fee

Language

Language:

Page 440, line 43, after "Virginia.", strike the remainder of the line.

Page 440, line 44, strike:

"introduced House Bill 30/Senate Bill 30 of the 2004 Session, revenue" and insert:
"Revenue".

Explanation:

(This amendment eliminates the language contained in this item that would have made the deposit of revenues into the Virginia Natural and Historic Resources Fund contingent upon the passage of the Governor's tax proposal.)

Adjustments and Modifications to Fees

Recordation Tax Fee

Language

Language:

Page 440, line 41, strike "A."

Page 440, line 43, after "Virginia.", strike the remainder of the line and insert:

"The revenue generated from such fee shall be deposited to the general fund."

Page 440, strike lines 44 through 47.

Page 441, strike lines 1 through 3.

Explanation:

(This amendment deletes language authorizing the deposit of revenues collected from a 10 dollar fee assessed on all deeds for which recordation taxes are collected and the admission of certificates of satisfactions to the proposed Virginia Natural and Historic Resources Fund. The purpose of this fund was to provide support to the Virginia Land Conservation Trust Fund and the Water Quality Improvement Fund. The amendment, however, ensures that the proceeds of this fee will continue to be deposited to the general fund as originally intended by the 2002 Session of the General Assembly.)

Adjustments and Modifications to Fees

Motor Vehicle Fees

Language

Language:

Page 441, line 6, after "fund" insert:

"\$6,900,000 the first year and \$6,900,000 the second year of".

Page 441, line 6, after "revenue" insert "which shall be distributed".

Page 441, line 7, after "2002." strike remainder of line.

Page 441, strike line 8.

Page 441, strike line 11 through line 13.

Explanation:

(This amendment strikes obsolete references inadvertently carried over from Chapter 1042 of the Acts of Assembly of 2003 and removes language making transfers contingent upon passage of the Governor's tax package. This language also reduces the proposed transfer of "four-for-life" funds by one half.)

General Provisions

Language

Language:

Page 442, after line 1, insert:

"§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed."

Page 442, strike lines 2 through 51.

Page 443, strike lines 1 through 49.

Amendments to House Bill 5001, As Introduced

Page 444, strike lines 1 through 50.

Page 445, strike lines 1 through 53.

Page 446, strike lines 1 through 43.

Page 447, strike lines 1 through 52.

Page 448, strike lines 1 through 49.

Page 449, strike lines 1 through 51.

Page 450, strike lines 1 through 43.

Page 451, strike lines 1 through 48.

Page 452, strike lines 1 through 50.

Page 453, strike lines 1 through 50.

Page 454, strike lines 1 through 6, and insert:

"§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

a. The State Comptroller shall not pay any moneys out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.

b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03, Appropriation Transfers, § 4-4.01, Capital Projects, or § 4-5.01 a., Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

a. For purposes of this subsection, withholding of spending authority is defined as any action that impedes or limits the ability to spend the appropriated moneys, regardless of the mechanism used to effect such withholding.

b.1. **CHANGED EXPENDITURE FACTORS:** The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated

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from the withholding action shall not be reallocated for any other purpose. Provided, however, the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.

2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.

c. INCREASED NONGENERAL FUND REVENUE:

1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to: (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or mentally retarded payable from the Mental Health and Mental Retardation Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. REDUCED GENERAL FUND RESOURCES:

1. The term “general fund resources” as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the

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current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the Senate Finance, House Appropriations, and House Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

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5. The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations. This reduction plan, with modifications thereto, shall be the sole basis for withholding spending authority due to reduced revenues.

6. In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet Secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be forwarded within five calendar days of submission to the Chairmen of the Senate Finance and House Appropriations Committees.

7. In effecting the reduction of expenditures for the above-stated purpose, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.07 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

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d) The employer contributions, and employer paid member contributions to the: Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, and the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages). Provided, however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

8. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures,

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up to the maximum of fifteen percent, as prescribed in subdivision 7.a) of this subsection.

9. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations. Provided, however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

10. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and report the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

11. The Director, Department of Planning and Budget, shall report spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency

and appropriation item.

12. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President Pro Tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the legislature.

§ 4-1.03 APPROPRIATION TRANSFERS

a. GENERAL:

1.a) During any fiscal year, the Director, Department of Planning and Budget, may transfer operating appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the Senate Finance and House Appropriations Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions; or

5) transfers specifically authorized elsewhere in this act.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer operating appropriation authority from one program to another within an agency to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act. However, appropriation authority for local aid programs and aid to individuals shall not be transferred elsewhere without the express consent of the General Assembly.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among

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sub-agencies within the Judicial System and the Department of Mental Health, Mental Retardation and Substance Abuse Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer general fund appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

- a) address a threat to life, safety, health or property, or
- b) provide for unbudgeted cost increases for statutory required services or federally mandated services, in order to continue those services at the present level, or
- c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia.

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e) An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

6. The Director, Department of Planning and Budget, may transfer from any other agency appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

7. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 Title 15.2, Code of Virginia (§ 15.2-4100 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. If the Governor's veto of an item in this act is overturned by the General Assembly during the Reconvened Session or if the Governor vetoes an item after the Reconvened Session or a Special Session, neither he nor the Director, Department of Planning and Budget, shall administratively establish the vetoed program within the agency. In addition, neither the Governor nor the Director, Department of Planning and Budget, shall administratively increase the appropriations of, nor transfer appropriations to, the agency affected by the veto in order to carry out the purposes of the vetoed item.

b. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriations authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as

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may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

- 1) address a threat to life or safety, health or property or
- 2) provide for unbudgeted increases in costs for statutory required services or federally mandated services, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or
- 3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- 4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or
- 5) participate in a federal or sponsored program, or
- 6) realize cost savings in excess of the additional funds provided, or
- 7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or
- 8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or
- 9) provide additional funding resulting from caseload or workload changes in programs approved by the General Assembly.

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b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03, Indirect Costs, 4-4.01, Capital Projects General, and 4-5.05 b, Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a., Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts, of this act.

f) If the Governor's veto of an item in this act is upheld by the General Assembly during the Reconvened Session, neither he nor the Director, Department of Planning and Budget, shall administratively establish the vetoed program within the agency. In addition, neither the Governor nor the Director, Department of Planning and Budget, shall administratively increase the appropriations of, nor transfer appropriations to, the agency affected by the veto to carry out the purposes of the vetoed item.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise.

5. Reporting:

The Director, Department of Planning and Budget, shall report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

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a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium, ending on June 30, 2004, and (ii) the last day of the first year of the current biennium, ending on June 30, 2005, shall be reappropriated and allotted for expenditure in the respective succeeding year for the following agencies and programs, provided however, that the reappropriations shall not be used to create ongoing obligations or expand or create new programs, but shall be applied to nonrecurring costs:

1) Agencies in the Legislative Department, the Judicial Department, and the Independent Agencies, except as may be specifically provided otherwise by the General Assembly;

2) Agencies in the Executive Department, subject to the prior written approval of the Governor, except as may be specifically provided otherwise by the General Assembly;

3) Specific program balances in Executive Department agencies identified by the General Assembly through language in this act;

4) Educational and General programs in those institutions of higher education which meet management standards prescribed by the Governor;

5) Unexpended revenues from community education and public service programs in the institutions of higher education; and

6) Appropriations to the institutions of higher education for student financial assistance.

2. The Governor shall complete his review and reappropriation of unexpended general fund appropriations, authorized under this section, no later than September 1 of the respective succeeding fiscal year. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having

jurisdiction over the agency or institution, acting jointly.

b. NONGENERAL FUND OPERATING EXPENSE:

1. Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of twenty-four months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget, shall include repayment in the next budget bill submitted to the General Assembly.

2. Nongeneral fund appropriations which remain unexpended on (i) the last day of the previous biennium and (ii) the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure no later than September 1 of the respective succeeding fiscal year, provided however, that the reappropriations shall not be used to create ongoing obligations or expand or create new programs, but shall be applied to nonrecurring costs. The reappropriations process for nongeneral fund appropriations shall be consistent with the policies, guidelines and schedule used to reappropriated unexpended general fund appropriations.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project. The Director may direct the restoration of any portion of the returned and reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation balance was reverted in the prior biennium, he may likewise restore any portion of such reverted amount under the same conditions.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director,

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Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS:

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding ten (10) days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS:

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about ten (10) days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with the written concurrence of the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02, Withholding of Spending Authority, 4-1.03, Appropriation Transfers, and 4-1.04, Appropriation Increases, of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3.a) The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

b) The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03, Indirect Costs, 4-4.01, Capital Projects-General, and 4-5.05, Services and Clients, of this act.

b. HIGHER EDUCATION TUITION AND FEES:

1. All nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. Appropriations in this act for Educational and General Programs are provided to meet the Commonwealth's interest in maintaining quality, access, and affordability at its institutions of higher education. General fund appropriations recognize the Commonwealth's share of the cost of education for Virginia students and allow institutions to minimize tuition increases to in-state students. To further ensure that tuition and fees be kept as low as possible, governing boards shall continue to eliminate factors that increase the cost of higher education without increasing its quality or effectiveness.

3.a) The State Council of Higher Education shall develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The determination of proper tuition, fees and charges shall be made by the Board of Visitors or other governing bodies of institutions of higher education, subject to the provisions of this act. However, the tuition and fee charges to nonresident students shall be not less than 100 percent of the average cost of education as calculated by the State Council of Higher Education. The State Council of Higher Education may authorize a phased approach to meeting this requirement when, in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

4. The fund source "Higher Education Operating" within Educational and General Programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002. Tuition policy for Virginia resident undergraduates at the public colleges and universities shall be established in the Appropriation Act.

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5. Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042 of the Acts of Assembly of 2003, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

6. The governing boards of the institutions of higher education shall seek cost-savings in areas supported by non-Educational and General fees such that the total cost of higher education be kept as low as possible.

7.a) The Director, Department of Planning and Budget, shall appropriate and allot tuition and educational and general fee revenues in addition to those appropriated to the Educational and General programs of this act, provided that the additional revenue is applied solely to the operating programs of the Educational and General programs to expand student access, improve instructional quality, operate and maintain classrooms and laboratories, and meet other high-priority, mission-specific purposes and that the request for additional nongeneral fund budget authority is consistent with budget items adopted in this act.

b) The Director, Department of Planning and Budget, shall report all increases of appropriation authority on a quarterly basis to the House Appropriations and Senate Finance Committees.

8. It is the intent of the General Assembly that any institution of higher education granting new tuition waivers to in-state or out-of-state students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

9. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

10. Unless otherwise provided, additional general fund and nongeneral fund appropriations in the Educational and General Program appropriations in Part I of this act are based on in-state students paying 30 percent of the cost of their education at Virginia's community colleges and 40 percent of the cost of their education at the other public institutions of higher education.

11. The State Council of Higher Education shall report to the Governor and the

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Chairmen of the House Appropriations and Senate Finance Committees no later than June 30 of each year on the tuition and fee charges at each public institution of higher education.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b, Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.
2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.
3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.
4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.
5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 b.3., Gifts, Grants, and Other Nongeneral Funds, of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by §

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3.1-684.63, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b)1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or mentally retarded, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Department of Medical Assistance Services, from funds received from health care providers as a result of overpayments made in previous fiscal years and recoveries from third parties, after a determination is made of the Commonwealth's share of such recoveries.

e) Board of Bar Examiners, from all sources.

f) Secretary of the Commonwealth, from all sources.

g) The Departments of Corrections, Juvenile Justice, and Correctional Education, as required by law, including revenues from sales of dairy and other farm products, and payments from the U.S. Immigration and Naturalization Service for the housing of illegal aliens and other inmates.

h) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

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i) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

j) Department of the Treasury, from the following sources:

1) Fees collected from insurance companies for the safekeeping and handling of securities or surety bonds deposited with the State Treasurer pursuant to § 38.2-1057, Code of Virginia.

2) Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

k) Attorney General, from recoveries of attorneys' fees and costs of litigation.

l) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

m) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

n) Without regard to paragraph g above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections, Juvenile Justice and Correctional Education for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Department of Correctional Education for work performed shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

2. The provisions of § 4-2.02 a.1., State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the

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general fund of the state treasury, out of the credits under § 4-1.05 b.1., Unappropriated Nongeneral Funds – Sale of Surplus Materials, of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT:

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia, (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from use of money and property required and/or authorized to be paid into the general fund of the state treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1. of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-353, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

§4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all

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agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.
2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.
3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.
2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.
3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research

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activities.

d. The Director, Department of Planning and Budget, shall report to the Chairmen of the Senate Finance and House Appropriations Committees no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative Session will result in the curtailment of statutory required services or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a, Authorized Deficit Loans, of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00, Capital Projects, of this act provided such projects are: 1) delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; 2) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that 3) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS:

If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefore, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefore. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective.

c. TOTAL AUTHORIZED DEFICITS:

The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined under § 4-2.02 b of this act during the last year of the previous biennium and the first year of the current biennium.

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d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS:

A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS:

Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the

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anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING:

All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 CAPITAL LEASES

a. GENERAL:

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1. Not later than September 1 of each year, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and proposed capital lease agreements in the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a.1. and a.2., and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. The Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS:

Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements."

Page 460, strike lines 25 through 40.

Page 460, line 41, strike "§ 4-5.04" and insert "§ 4-5.02".

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Page 461, line 11, strike "§ 4-5.05" and insert "§ 4-5.03".

Page 461, strike lines 12 through 15 and insert:

"a. CHANGED COST FACTORS:

No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change."

Page 461, line 19, after "General Assembly", strike the rest of the line.

Page 461, strike line 20.

Page 461, line 26, after "EDUCATION:", insert:

"No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section."

Page 461, strike lines 48 through 50.

Page 462, strike lines 1 through 3.

Page 462, line 4, strike "3." and insert "1."

Page 462, line 10, strike "4." and insert "2."

Page 462, line 19, strike "§ 4-5.06" and insert "§ 4-5.04".

Page 463, strike lines 34 through 38.

Page 463, line 43, strike "No state agency shall expend any public".

Page 463, strike lines 44 through 50 and insert:

"No state Executive Department agency or the Virginia State Lottery shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia State Lottery, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-1301, Code of Virginia."

Page 464, line 23, strike "§ 4-5.07" and insert "§ 4-5.05".

Page 465, line 1, strike "§ 4-5.08" and insert "§ 4-5.06".

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Page 465, strike lines 4 through 44 and insert:

"b.1.a) The provisions of § 4-5.08 b of Chapter 912 of the Acts of Assembly of 1996, pertaining to pilot programs for capital outlay projects in selected institutions of higher education, including Old Dominion University, are hereby continued.

b) Pursuant to those provisions, Christopher Newport University, the College of William and Mary, Old Dominion University, Radford University, the University of Virginia, and Virginia Polytechnic Institute and State University are authorized to oversee the capital process for nongeneral fund capital outlay projects included in the pilot program.

c) The above-referenced institutions of higher education participating in the nongeneral fund capital outlay pilot program are hereby delegated the authority of the Department of General Services to approve the use and administration of design-build or construction management as appropriate contract methods for nongeneral fund capital outlay projects.

d) The above-referenced institutions are hereby delegated the authority of the Department of General Services to approve the use of design-build or construction management as appropriate contract methods for general fund capital outlay projects.

c.1.a) The provisions of § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003, pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued.

b) Based on the memoranda of understanding developed pursuant to § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003, as periodically amended, or memoranda of understanding in effect prior to October 1, 2003, as periodically amended, the responsible Cabinet Secretary, or his designee, shall conduct an evaluation of each institution participating in a pilot program at least once every two years.

c) The Secretary shall report all evaluation findings and recommendations to the Governor and Chairmen of the Senate Finance and House Appropriations Committees within 15 business days of the completion of the evaluation.

d) To the extent an institution participating in a pilot program is not performing to

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the satisfaction of the responsible Cabinet Secretary, the institution shall have 90 calendar days from receipt of the Secretary's written evaluation in which to develop a remediation plan. The institution shall submit the plan to the appropriate Cabinet Secretary and the Auditor of Public Accounts.

e) The Auditor of Public Accounts shall conduct a functional audit of the delegated program authority within 180 calendar days of receiving the institution's plan. Based on his findings, the Auditor of Public Accounts shall recommend to the Chairmen of the Senate Finance and House Appropriations Committees whether the institution should continue in the pilot program.

2. To the extent an institution is performing satisfactorily under the pilot programs, it is the intent of the General Assembly that they be removed from the pilot program and be delegated authority in the Code of Virginia to administer the specified duty or function on an on-going basis.

3. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees. The responsible Cabinet Secretary shall consider this an evaluation in accordance with subparagraph c.1.b).

d. Institutions wishing to participate in a pilot program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a pilot program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a pilot program and whether institution has been granted authority to participate in the pilot program.

e. Notwithstanding the provisions of § 2.2-4309, Code of Virginia, no approval of the Governor shall be required for contract modifications as specified therein for the pilot programs of the selected institutions of higher education referenced in paragraph 1, provided that contract modifications of such projects, including construction and architectural and engineering change orders, shall be approved by

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the Boards of Visitors, which may further delegate this authority to the President, a Vice President, or the individual responsible for facilities design and construction matters at the selected institution of higher education to act on its behalf.

f.1. The selected institutions are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

2. The provisions of § 4-5.08 c of Chapter 912 of the Acts of Assembly of 1996 pertaining to pilot programs for real property leases in selected institutions of higher education, including Old Dominion University, are hereby continued and expanded to include approval of income leases.

g. The University of Virginia and Virginia Polytechnic Institute and State University shall be delegated administrative authority to enter into capital leases on a pilot basis, provided that such capital leases have been specifically authorized by the Governor or the General Assembly pursuant to the Appropriation Act and have been reviewed and approved by the Treasury Board.

h. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

i. Virginia Commonwealth University is hereby delegated the authority of the Department of General Services and the Governor provided in §§ 2.2-1149 and 23-4.1, Code of Virginia, to enter into leases with the Virginia Commonwealth University Health System Authority for space within the facilities which are the subject of the Master Lease between the University and the Authority dated June 10, 1997. This delegation of authority is limited to operating leases and excludes capital leases as defined by Generally Accepted Accounting Principles (GAAP).

j. The University of Virginia, with approval of its Board of Visitors, is hereby delegated authority on a pilot basis to acquire easements on property not owned by the university without prior approval by the Department of General Services."

Page 465, line 45, strike "§ 4-5.09" and insert "§ 4-5.07".

Page 465, strike lines 46 through 51.

Page 466, strike line 1 and insert:

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"a. Agencies shall not acquire real property by lease until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease and (ii) the volume of leased space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Service shall report to the Chairmen of the Senate Finance Committee and House Appropriations Committee by September 1 of each year on real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, and the cost of the annual lease."

Page 466, strike lines 4 through 6.

Page 466, line 7, strike "§ 4-5.11" and insert "§ 4-5.8".

Page 466, line 23, strike "§ 4-5.12" and insert "§ 4-5.9".

Page 466, line 33, strike "§ 4-5.13" and insert "§ 4-5.10".

Page 467, line 43, after "exceeded.", insert:

"However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range."

Page 472, strike lines 25 through 30.

Page 472, line 31, strike "c)" and insert "b)".

Page 475, after line 34, insert:

"h. Full-time employees appointed by the Governor and confirmed by the General Assembly, who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service."

Page 476, strike lines 25 through 32 and insert:

"a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget, for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

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2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations and the Senate Finance Committees, the Governor, and the Directors of the Department of Planning and Budget and Department of Human Resource Management within 10 days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or on compliance with judicial orders."

Page 477, strike lines 46 through 51.

Page 478, strike lines 4 through 7 and insert:

"1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget."

Page 478, line 15, before ".", insert ", unless otherwise specified in § 4-1.03".

Page 478, line 22, delete "A report".

Page 478, strike lines 23 through 25.

Page 478, line 26, strike "(see § 4-1.04 a.4). The" and insert "."

Page 478, strike lines 27 through 29.

Page 478, line 30, after "deficits", strike the remainder of the line and insert "."

Page 478, strike lines 31 and 32.

Page 479, strike line 1.

Page 479, line 2, strike "2."

Page 479, strike lines 16 through 18 and insert:

"b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Governor, the Governor's Cabinet Secretaries, Chief-of-Staff, or the Department of Planning and Budget, the Director, Department of Planning and Budget or the affected state agencies shall submit copies to the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment reforms the General Provisions to take into account changes made by the General Assembly to improve budgetary and financial management and legislative oversight.)

Revenues

Nongeneral Fund Revenues

Language

Language:

Page 448, delete lines 38 through 49 and insert:

"1. All nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2.a) Each institution and the Council of Higher Education shall monitor tuition, fees, and other charges and the mix of resident and nonresident students to the end that the primary mission of providing educational opportunities to citizens of Virginia is served. The State Council of Higher Education shall develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students. The Council shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than June 30 of each year on the tuition and fee charges at each public institution of higher education.

b) The determination of proper tuition, fees and charges shall be made by the Boards of Visitors or other governing bodies of institutions of higher education, provided, however, that the tuition and fee charges to nonresident undergraduate and graduate students shall be not less than 100 percent of the average total cost of education. The State Council of Higher Education may authorize a phased approach to meeting this requirement when, in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment. Boards of Visitors shall consider the total cost of education in determining tuition and fee charges. The average total cost of education shall reflect the findings and recommendations in the November 2001 report of the Joint Subcommittee on Higher Education Funding Policies, as periodically updated, and reflect subsequent recommendations by the Joint Subcommittee with regard to the appropriate fund split of the total cost of education. The State Council of Higher Education shall determine each institution's appropriate total cost amounts, in consultation with the institution.

c) In setting tuition and fee charges, the Boards of Visitors or other governing bodies of institutions of higher education may set appropriate tuition and fee charges for all

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student groups consistent with market-determined rates.

d) In the absence of general funds in support of the guidelines based on the November 2001 report of the Joint Subcommittee on Higher Education Funding Policies, as updated, the Boards of Visitors may consider appropriate increases for tuition and all required fees and the allocation of these revenues to Educational and General programs to address up to 95 percent of the base budget adequacy guidelines included in the Joint Subcommittee for Higher Education recommendations. In doing so, the Boards of Visitors or other governing bodies of institutions of higher education shall provide additional financial aid resources, from any combination of tuition, state, federal, and private resources. As additional general funds are provided consistent with the recommendations in the November 2001 report of the Joint Subcommittee on Higher Education Funding Policies, the Boards of Visitors or other governing bodies of institutions of higher education shall consider minimizing the impact of tuition charges for resident students.

3. In determining tuition and fee charges, the Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent.

4. Norfolk State University, Virginia Military Institute, Virginia State University and two-year public institutions are exempt from the restrictions contained in subparagraph 3 above.

5. The fund source "Higher Education Operating" within Educational and General Programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

6. a) Each institution shall communicate its tuition and fee charges, as approved by its Board of Visitors, to the Secretary of Education, the State Council of Higher Education, and the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each fiscal year. In addition, each institution shall work with the State Council of Higher Education and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

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b) The State Council of Higher Education shall report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each fiscal year the results of the nongeneral fund survey. This report shall serve as the foundation for required nongeneral fund appropriation adjustments made by the Department of Planning and Budget.

7. The entitlement to in-state tuition charges referenced in § 23-7.4:2 A (iii), Code of Virginia, shall be suspended during the current biennium.

8. The determination of proper mandatory fees for purposes other than Educational and General Programs shall be made by the Boards of Visitors or other governing bodies of institutions of higher education within the limits of the total appropriations provided in this act for such purpose, excluding fees required to support authorized capital outlay projects.

9. The Director, Department of Planning and Budget, shall appropriate and allot tuition and educational and general fee revenues in addition to those appropriated to the Educational and General programs of this act, provided that the additional revenue is applied solely to the operating programs of the Educational and General programs and that the request for additional nongeneral fund budget authority is consistent with budget items adopted in this act and subparagraph 6.b.

10. It is the intent of the General Assembly that any institution of higher education granting new tuition waivers to in-state or out-of-state students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

11. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

12. The entitlement to in-state tuition charges at four-year institutions shall not extend beyond 125 percent of the credit hours needed to satisfy the degree requirements for a particular program, excluding transfer or advanced placement credits."

Page 449, delete lines 1 through 42.

Explanation:

(This amendment is self-explanatory.)

Item 4-4.01 #1h

Capital Projects

General

Language

Language:

Page 457, after line 11, insert:

"c. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$3,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold."

Explanation:

(This amendment is self-explanatory.)

Item 4-4.01 #2h

Capital Projects

General

Language

Language:

Page 457, after line 16, insert:

"o. Any new construction project developed by the Department of Conservation and Recreation, with an estimated cost of \$750,000 or less, shall be exempt from the capital outlay review and approval process."

Page 457, line 17, strike "o" and insert "p."

Page 457, line 23, strike "p." and insert "q."

Page 457, line 29, strike "q." and insert "r."

Page 457, line 31, strike "r." and insert "s."

Page 457, line 32, strike "s." and insert "t."

Page 457, line 39, strike "t." and insert "u."

Page 457, line 47, strike "u." and insert "v."

Page 457, line 52, strike "v." and insert "w."

Page 458, line 16, strike "w." and insert "x."

Page 458, line 23, strike "x." and insert "y."

Explanation:

(This amendment exempts capital projects under construction by the Department of Conservation and Recreation from the capital review and approval process managed by the Department of General Services' Bureau of Capital Outlay Management when those projects cost \$750,000 or less. The agency reports that nearly 60 percent of the projects authorized for construction using general obligation bond proceeds were valued at \$750,000 or less. The agency has stated that because these small projects must undergo the same process as multi-million dollar capital projects, review costs and DGS review fees greatly impact the scope of what the agency can build because those fees consume a larger portion of small projects' budgets.)

Item 4-4.01 #3h

Capital Projects

General

Language

Language:

Page 454, after line 46, insert:

"f. It is the intent of the General Assembly that the Department of Conservation and Recreation shall be authorized to initiate and accept by gift or purchase with nongeneral fund dollars any lands for State Park or Natural Area purposes which may become available, and that are not specifically appropriated by the General Assembly, when such acquisitions are made in accordance with the provisions of this section and other applicable provisions of state law including approval by the Governor."

Page 454, line 47, strike "f." and insert "g."

Page 455, line 7, strike "g." and insert "h."

Page 455, line 16, strike "h." and insert "i."

Page 455, line 34, strike "i." and insert "j."

Page 455, line 54, strike "j." and insert "k."

Page 456, line 2, strike "k." and insert "l."

Page 456, line 10, strike "l." and insert "m."

Page 456, line 12, strike "m." and insert "n."

Page 456, line 37, strike "n." and insert "o."

Page 457, line 17, strike "o." and insert "p."

Page 457, line 23, strike "p." and insert "q."

Page 457, line 29, strike "q." and insert "r."

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Page 457, line 31, strike "r." and insert "s."

Page 457, line 32, strike "s." and insert "t."

Page 457, line 39, strike "t." and insert "u."

Page 457, line 47, strike "u." and insert "v."

Page 457, line 52, strike "v." and insert "w."

Page 458, line 16, strike "w." and insert "x."

Page 458, line 23, strike "x." and insert "y."

Explanation:

(This amendment provides the Department of Conservation and Recreation with the authority to accept lands for State Parks or Natural Areas when such acquisitions are made by gift or purchase with nongeneral fund dollars.)

Item 4-5.06 #1h

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 462, line 45, after "from", insert:

"the Virginia Community College System or from".

Explanation:

(This amendment is a technical language change that allows the Virginia Community College System to continue to leverage the purchasing power of 23 community colleges in order to achieve the lowest costs possible on technology procurements.)

Item 4-5.06 #2h

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 463, line 9, after "Virginia.", insert:

"The Network Virginia Contract Administrator may renegotiate the term of existing contracts. The contract administrator is further authorized to competitively negotiate

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additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure."

Explanation:

(This amendment is self-explanatory.)

Item 4-6.01 #1h

Positions and Employment

Employee Compensation

Language

Language:

Page 469, after line 15, insert:

"Commissioner, Department of Veterans Services \$104,891 \$104,891 \$108,038".

Page 471, line 8, strike "\$81,105 \$81,105 \$83,538" and insert:

"\$96,360 \$96,360 99,251".

Page 471, strike lines 43 and 44.

Explanation:

(This amendment makes technical adjustments to accurately reflect the salaries of the Commissioner of the Department of Veterans Services and the Commissioner of the Department for the Aging. This amendment is technical in nature and is intended only to reflect the actual current salaries of these agency heads.)

Item 4-6.01 #2h

Positions and Employment

Employee Compensation

Language

Language:

Page 468, line 16, after "Virginia," insert:

"the Virginia Museum of Natural History,".

Explanation:

(This amendment authorizes a salary supplement for the Director of the Virginia Museum of Natural History. This is consistent with the authority provided to other state-owned museums.)

Effective Date

Effective Date

Language

Language:

Page 479, after line 42, insert:

"2. That §§ 4.1-230 and 4.1-231 of the Code of Virginia are amended and re-enacted as follows:

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, under oath, setting forth any information required by the Board. Applications for banquet, tasting, mixed beverage special events, or club events licenses shall not be required to be under oath, but the information contained therein shall be certified as true by the applicant.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for banquet, tasting, special events, club events, wine or beer shipper's, wine and beer shipper's, or museum licenses issued under the provisions of Chapter 2 (§ [4.1-200](#) et seq.) of this title, or beer or wine importer's licenses located outside the Commonwealth, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board.

The applicant shall cause a copy of such notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such business. In the case of wine or beer shipper's licensees, wine and beer shipper's licensees, or operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for banquet, tasting, mixed beverage special events, club events, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, on each applicant for a license.

The Board shall notify the local governing body of each license application through the

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county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee shall be ~~\$50~~ 65, plus ~~\$15~~ 20 for each criminal history records search required by the Board, except for banquet, tasting, mixed beverage special events, or mixed beverage club events licenses, in which case the application fee shall be \$15. Application fees shall be in addition to the state license ~~tax~~ fee required pursuant to § 4.1-231 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter.

E. Every application for a permit granted pursuant to § [4.1-212](#) shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$ ~~125-165~~ and ~~\$300~~ 390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

The fee for a keg registration permit shall be ~~\$50~~ 65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be ~~\$200~~ 260 annually.

§ 4.1-231. Taxes on state licenses.

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A. The annual ~~taxes~~ fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, ~~\$350~~ 450; and if more than 5,000 gallons manufactured during such year, ~~\$2,860~~ 3,725;

b. Fruit distiller's license, ~~\$2,860~~ 3,725;

c. Banquet facility license or museum license, ~~\$145~~ 190;

d. Bed and breakfast establishment license, ~~\$25~~ 35;

e. Tasting license, ~~\$30~~ 40 per license granted; and

f. Equine sporting event license, ~~\$100~~ 130.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, ~~\$145~~ 189, and if more than 5,000 gallons manufactured during such year, ~~\$2,860~~ 3,725;

b. Wholesale wine license, ~~\$715-930~~ for any wholesaler who sells 150,000 gallons of wine or less per year, ~~\$1,100~~ 1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and ~~\$1,430~~ 1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

c. Wine importer's license, ~~\$285~~ 370;

d. Retail off-premises winery license, ~~\$110~~ 145;

e. Farm winery license, ~~\$145~~ 190 for any Class A license and ~~\$2,860~~ 3,725 for any Class B license; and

f. Wine shipper's license, ~~\$50~~ 65.

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3. Beer licenses. For each:

a. Brewery license, if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, ~~\$1,650~~ 2,150, and if more than 10,000 barrels manufactured during such year, ~~\$3,300~~ 4,300;

b. Bottler's license, ~~\$1,100~~ 1,430;

c. Wholesale beer license, ~~\$715~~ 930 for any wholesaler who sells 300,000 cases of beer a year or less, and ~~\$1,100~~ 1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and ~~\$1,430~~ 1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

d. Beer importer's license, ~~\$285~~ 370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, ~~\$110~~ 145; for each such license to a common carrier of passengers by train or boat, ~~\$110~~ 145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, ~~\$90~~ 120;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, ~~\$230~~ 300; and

h. Beer shipper's license, ~~\$50~~ 65.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, ~~\$230~~ 300; for each such license to a common carrier of passengers by train or boat, ~~\$230~~ 300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, ~~\$575~~ 750;

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- b. Retail on-premises wine and beer license to a hospital, ~~\$140~~ 145;
 - c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, ~~\$175~~ 230;
 - d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, ~~\$460~~ 600;
 - e. Banquet license, ~~\$30~~ 40 per license granted by the Board;
 - f. Gourmet brewing shop license, ~~\$175~~ 230; and
 - g. Wine and beer shipper's license, ~~\$50~~ 65.
5. Mixed beverage licenses. For each:
- a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
 - (i) With a seating capacity at tables for up to 100 persons, ~~\$430~~ 560;
 - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, ~~\$750~~ 975; and
 - (iii) With a seating capacity at tables for more than 150 persons, ~~\$1,400~~ 1,430.
 - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
 - (i) With an average yearly membership of not more than 200 resident members, ~~\$575~~ 750;
 - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, ~~\$1,430~~ 1,860; and
 - (iii) With an average yearly membership of more than 500 resident members, ~~\$2,125~~ 2,765.

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- c. Mixed beverage caterer's license, ~~\$1,430~~ 1,860.
 - d. Mixed beverage special events license, ~~\$35~~ 45 for each day of each event.
 - e. Mixed beverage club events licenses, ~~\$25~~ 35 for each day of each event.
 - f. Annual mixed beverage special events license, ~~\$430~~ 560.
 - g. Mixed beverage carrier license:
 - (i) ~~\$145~~ 190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
 - (ii) ~~\$430~~ 560 for each common carrier of passengers by boat;
 - (iii) ~~\$1,135~~ 1,475 for each license granted to a common carrier of passengers by airplane;
 - h. Annual mixed beverage amphitheater license, ~~\$430~~ 560; and
 - i. Annual mixed beverage motor sports race track license, ~~\$430~~ 560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.
- B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.
- If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.
- Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of

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alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license. Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

3. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2006, pursuant to § 4-11.00 of this act. The provisions of all other enactments shall have no expiration date."

Explanation:

(This amendment would increase the VABC license privilege fee by 30 percent. The license privilege fee has not been increased since 1990 and the license application fee has not been increased in 17 years. The Code section to be amended is appropriately identified and set out and also sets out the Code sections required to be amended to effectuate the proposed increase in the in the privilege and permit fees.)

Item 5-0 #1h

Part 5

Language

Language:

Page 480, after line 1, insert:

"2. That §§ 58.1-302, 58.1-391, 58.1-392, 58.1-402, and 58.1-441 of the Code of Virginia are amended and reenacted, that the Code of Virginia is amended by adding sections numbered 58.1-390.1, 58.1-390.2,

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by adding in Article 9 of Chapter 3 of Title 58.1 sections numbered 58.1-393.1, 58.1-394.1, 58.1-394.2, and 58.1-395, as follows:"

Page 480, strike line 2 through line 25.

Page 482, strike line 25 through line 44.

Page 483, strike line 1 through line 46.

Page 484, strike line 1 through line 49.

Page 485, strike line 1 through line 53.

Page 486, strike line 1 through line 52.

Page 487, strike line 1 through line 39.

Page 491, strike line 18 through line 26.

Page 491, strike line 41 through line 52.

Page 492, strike line 1 through line 51.

Page 493, strike line 1 through line 54.

Page 494, strike line 1 through line 57.

Page 495, strike line 1 through line 59.

Page 496, strike line 1 through line 46.

Page 497, strike line 1 through line 54.

Page 498, strike line 1 through line 54.

Page 499, strike line 1 through line 53.

Page 500, strike line 1 through line 53.

Page 501, strike line 1 through line 15.

Page 501, strike line 16, and insert:

"5. That §§ 58.1-390 and 58.1-394 of the Code of Virginia are repealed."

Explanation:

(This amendment removes Part 5 of the budget, which contains the Governor's tax package, with the exception of two corporate loopholes -- the Delaware holding company and pass through entity income.)

Item 5-0 #2h

Part 5

Language

Language:

Page 480, after line 1, insert:

"3. That §§ 58.1-320, 58.1-603, 58.1-604, 58.1-604.1, 58.1-614, 58.1-627, 58.1-628, and 58.1-3833 of the Code of Virginia are amended and reenacted as follows:

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§ 58.1-320. Imposition of tax.

A tax is hereby annually imposed on the Virginia taxable income for each taxable year of every individual as follows:

Two percent on income not exceeding \$3,000;

Three percent on income in excess of \$3,000, but not in excess of \$5,000;

Five percent on income in excess of \$5,000, but not in excess of \$12,000 for taxable years beginning before January 1, 1987;

Five percent on income in excess of \$5,000 but not in excess of \$14,000 for taxable years beginning January 1, 1987, through December 31, 1987;

Five percent on income in excess of \$5,000 but not in excess of \$15,000 for taxable years beginning January 1, 1988, through December 31, 1988;

Five percent on income in excess of \$5,000 but not in excess of \$16,000 for taxable years beginning January 1, 1989, through December 31, 1989;

Five percent on income in excess of \$5,000 but not in excess of \$17,000 for taxable years beginning January 1, 1990;

Five and three-quarters percent on income in excess of \$12,000 for taxable years beginning before January 1, 1987;

Five and three-quarters percent on income in excess of \$14,000 for taxable years beginning January 1, 1987, through December 31, 1987;

Five and three-quarters percent on income in excess of \$15,000 for taxable years beginning January 1, 1988, through December 31, 1988;

Five and three-quarters percent on income in excess of \$16,000 for taxable years beginning January 1, 1989, through December 31, 1989; ~~and~~

Five and three-quarters percent on income in excess of \$17,000 for taxable years beginning on ~~and~~ or after January 1, 1990, but before January 1, 2005;

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Five and three-quarters percent on income in excess of \$17,000 but not in excess of \$100,000 for taxable years beginning on or after January 1, 2005;

Six and one-quarter percent on income in excess of \$100,000 but not in excess of \$150,000 for taxable years beginning on or after January 1, 2005; and

Six and one-half percent on income in excess of \$150,000 for taxable years beginning on or after January 1, 2005.

§ 58.1-603. Imposition of sales tax.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, a license or privilege tax upon every person who engages in the business of selling at retail or distributing tangible personal property in this Commonwealth, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this Commonwealth any item or article of tangible personal property as defined in this chapter, or who leases or rents such property within this Commonwealth, in the amount of ~~three~~four and one-half percent:

1. Of the gross sales price of each item or article of tangible personal property when sold at retail or distributed in this Commonwealth.
2. Of the gross proceeds derived from the lease or rental of tangible personal property, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to such business.
3. Of the cost price of each item or article of tangible personal property stored in this Commonwealth for use or consumption in this Commonwealth.
4. Of the gross proceeds derived from the sale or charges for rooms, lodgings or accommodations furnished to transients as set out in the definition of "retail sale" in § 58.1-602.
5. Of the gross sales of any services which are expressly stated as taxable within this chapter.

§ 58.1-604. Imposition of use tax.

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There is hereby levied and imposed, in addition to all other taxes and fees now imposed by law, a tax upon the use or consumption of tangible personal property in this Commonwealth, or the storage of such property outside the Commonwealth for use or consumption in this Commonwealth, in the amount of ~~three~~four and one-half percent:

1. Of the cost price of each item or article of tangible personal property used or consumed in this Commonwealth. Tangible personal property which has been acquired for use outside this Commonwealth and subsequently becomes subject to the tax imposed hereunder shall be taxed on the basis of its cost price if such property is brought within this Commonwealth for use within six months of its acquisition; but if so brought within this Commonwealth six months or more after its acquisition, such property shall be taxed on the basis of the current market value (but not in excess of its cost price) of such property at the time of its first use within this Commonwealth. Such tax shall be based on such proportion of the cost price or current market value as the duration of time of use within this Commonwealth bears to the total useful life of such property (but it shall be presumed in all cases that such property will remain within this Commonwealth for the remainder of its useful life unless convincing evidence is provided to the contrary).

2. Of the cost price of each item or article of tangible personal property stored outside this Commonwealth for use or consumption in this Commonwealth.

3. A transaction taxed under § 58.1-603 shall not also be taxed under this section, nor shall the same transaction be taxed more than once under either section.

4. The use tax shall not apply with respect to the use of any article of tangible personal property brought into this Commonwealth by a nonresident individual, visiting in Virginia, for his personal use, while within this Commonwealth.

5. The use tax shall not apply to out-of-state mail order catalog purchases totaling \$100 or less during any calendar year.

§ 58.1-604.1. Use tax on motor vehicles, machinery, tools and equipment brought into Virginia for use in performing contracts.

In addition to the use tax levied pursuant to § 58.1-604 and notwithstanding the provisions of § 58.1-611, a use tax is levied upon the storage or use of all motor vehicles, machines, machinery, tools or other equipment brought, imported or caused

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to be brought into this Commonwealth for use in constructing, building or repairing any building, highway, street, sidewalk, bridge, culvert, sewer or water system, drainage or dredging system, railway system, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading, or other improvement or structure, or any part thereof. The rate of tax is ~~three~~ four and one-half percent on all tangible personal property except motor vehicles, which shall be taxed at the rate of three percent; aircraft, which shall be taxed at the rate of two percent; and watercraft, which shall be taxed at the rate of two percent with a maximum tax of \$1,000.

For purposes of this section the words "motor vehicle" means any vehicle which is self-propelled and designed primarily for use upon the highways, any vehicle which is propelled by electric power obtained from trolley wires but not operated upon rails, and any vehicle designed to run upon the highways which is pulled by a self-propelled vehicle, but shall not include any implement of husbandry, farm tractor, road construction or maintenance machinery or equipment, special mobile equipment or any vehicle designed primarily for use in work off the highway.

The tax shall be computed on the basis of such proportion of the original purchase price of such property as the duration of time of use in this Commonwealth bears to the total useful life thereof. For purposes of this section, the word "use" means use, storage, consumption and "stand-by" time occasioned by weather conditions, controversies or other causes. The tax shall be computed upon the basis of the relative time each item of equipment is in this Commonwealth rather than upon the basis of actual use. In the absence of satisfactory evidence as to the period of use intended in this Commonwealth, it will be presumed that such property will remain in this Commonwealth for the remainder of its useful life, which shall be determined in accordance with the experiences and practices of the building and construction trades.

A transaction taxed under §§ 58.1-604, 58.1-605, 58.1-1402, 58.1-1502, or § 58.1-2402 shall not also be taxed under this section, nor shall the same transaction be taxed more than once under any section.

§ 58.1-614. Vending machine sales.

A. Notwithstanding the provisions of §§ 58.1-603 and 58.1-604, whenever a dealer makes sales of tangible personal property through vending machines, or in any other manner making collection of the tax impractical, as determined by the Tax Commissioner, such dealer shall be required to report his wholesale purchases for sale at retail from vending machines and shall be required to remit an amount based on ~~four~~

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five and one-half percent of such wholesale purchases.

B. Notwithstanding the provisions of §§ 58.1-605 and 58.1-606, dealers making sales of tangible personal property through vending machines shall report and remit the one percent local sales and use tax computed as provided in subsection A of this section.

C. The provisions of subsections A and B of this section shall not be applicable to vending machine operators all of whose machines are under contract to nonprofit organizations. Such operators shall report only the gross receipts from machines selling items for more than ~~ten~~10 cents and shall be required to remit an amount based on a percentage of their remaining gross sales established by the Tax Commissioner to take into account the inclusion of sales tax.

D. Notwithstanding any other provisions in this section or § 58.1-628, when the Tax Commissioner determines that it is impractical to collect the tax in the manner provided by those sections, such dealer shall be required to remit an amount based on a percentage of gross receipts which takes into account the inclusion of the sales tax.

E. The provisions of this section shall not be applicable to any dealer who fails to maintain records satisfactory to the Tax Commissioner. A dealer making sales of tangible personal property through vending machines shall obtain a certificate of registration under § 58.1-613 in relevant form for each county or city in which he has machines.

§ 58.1-627. Bracket system for tax at rate of four and one-half percent.

The following brackets of prices shall be used for the collection of the tax imposed by this chapter:

\$0.00	to	\$0.14 <u>\$0.11</u>	no tax
.15 <u>.12</u>	to	.42 <u>.33</u>	1¢ tax
.43 <u>.34</u>	to	.71 <u>.55</u>	2¢ tax
.72 <u>.56</u>	to	.99 <u>.77</u>	3¢ tax
1.00 <u>.78</u>	to	1.28 <u>.99</u>	4¢ tax
1.29 <u>1.00</u>	to	1.57 <u>1.22</u>	5¢ tax
1.58 <u>1.23</u>	to	1.85 <u>1.44</u>	6¢ tax
1.86 <u>1.45</u>	to	2.14 <u>1.66</u>	7¢ tax
2.15 <u>1.67</u>	to	2.42 <u>1.88</u>	8¢ tax
2.43 <u>1.89</u>	to	2.71 <u>2.11</u>	9¢ tax
2.72 <u>2.12</u>	to	2.99 <u>2.33</u>	10¢ tax

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3.00 <u>2.34</u>	to	3.28 <u>2.55</u>	11¢ tax
3.29 <u>2.56</u>	to	3.57 <u>2.77</u>	12¢ tax
3.58 <u>2.78</u>	to	3.85 <u>2.99</u>	13¢ tax
3.86 <u>3.00</u>	to	4.14 <u>3.22</u>	14¢ tax
4.15 <u>3.23</u>	to	4.42 <u>3.44</u>	15¢ tax
4.43 <u>3.45</u>	to	4.71 <u>3.66</u>	16¢ tax
4.72 <u>3.67</u>	to	5.00 <u>3.88</u>	17¢ tax
<u>3.89</u>	to	<u>4.11</u>	18¢ tax
<u>4.12</u>	to	<u>4.33</u>	19¢ tax
<u>4.34</u>	to	<u>4.55</u>	20¢ tax
<u>4.56</u>	to	<u>4.77</u>	21¢ tax
<u>4.78</u>	to	<u>5.00</u>	22¢ tax

On transactions ~~over five dollars~~ greater than \$5, the tax shall be computed at ~~three~~ four and one-half percent, one-half cent or more being treated as one cent. If a dealer can show to the satisfaction of the Tax Commissioner that more than ~~eighty-five~~ 85 percent of the total dollar volume of his gross taxable sales during the taxable month was from individual sales at prices of ~~ten~~ 10 cents or less each, and that he was unable to adjust his prices in such manner as to prevent the economic incidence of the sales tax from falling on him, the Tax Commissioner shall determine the proper tax liability of the dealer based on that portion of the dealer's gross taxable sales which was from sales at prices of eleven cents or more.

§ 58.1-628. Bracket system for combined state and local tax.

The following brackets of prices shall be used for the collection of the combined state and local tax:

\$0.00	to	\$0.11 <u>.09</u>	no tax
.12 <u>.10</u>	to	.33 <u>.27</u>	1¢ tax
.34 <u>.28</u>	to	.55 <u>.45</u>	2¢ tax
.56 <u>.46</u>	to	.77 <u>.63</u>	3¢ tax
.78 <u>.64</u>	to	.99 <u>.81</u>	4¢ tax
1.00 <u>.82</u>	to	1.22 <u>.99</u>	5¢ tax
1.23 <u>1.00</u>	to	1.44 <u>1.18</u>	6¢ tax
1.45 <u>1.19</u>	to	1.66 <u>1.36</u>	7¢ tax
1.67 <u>1.37</u>	to	1.88 <u>1.54</u>	8¢ tax
1.89 <u>1.55</u>	to	2.11 <u>1.72</u>	9¢ tax
2.12 <u>1.73</u>	to	2.33 <u>1.90</u>	10¢ tax
2.34 <u>1.91</u>	to	2.55 <u>2.09</u>	11¢ tax

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2.56 <u>2.10</u>	to	2.77 <u>2.27</u>	12¢ tax
2.78 <u>2.28</u>	to	2.99 <u>2.45</u>	13¢ tax
3.00 <u>2.46</u>	to	3.22 <u>2.63</u>	14¢ tax
3.23 <u>2.64</u>	to	3.44 <u>2.81</u>	15¢ tax
3.45 <u>2.82</u>	to	3.66 <u>2.99</u>	16¢ tax
3.67 <u>3.00</u>	to	3.88 <u>3.18</u>	17¢ tax
3.89 <u>3.19</u>	to	4.11 <u>3.36</u>	18¢ tax
4.12 <u>3.37</u>	to	4.33 <u>3.54</u>	19¢ tax
4.34 <u>3.55</u>	to	4.55 <u>3.72</u>	20¢ tax
4.56 <u>3.73</u>	to	4.77 <u>3.90</u>	21¢ tax
4.78 <u>3.91</u>	to	5.00 <u>4.09</u>	22¢ tax
<u>4.10</u>	to	<u>4.27</u>	<u>23¢ tax</u>
<u>4.28</u>	to	<u>4.45</u>	<u>24¢ tax</u>
<u>4.46</u>	to	<u>4.63</u>	<u>25¢ tax</u>
<u>4.64</u>	to	<u>4.81</u>	<u>26¢ tax</u>
<u>4.82</u>	to	<u>5.00</u>	<u>27¢ tax</u>

On transactions ~~over five dollars~~ greater than \$5, the tax shall be computed at ~~four~~five and one-half percent, one half cent or more being treated as one cent. The foregoing bracket system shall not relieve the dealer from the duty and liability to remit an amount equal to ~~four~~five and one-half percent of his gross taxable sales as provided in this chapter. If the dealer, however, can show to the satisfaction of the Tax Commissioner that more than ~~eighty five~~85 percent of the total dollar volume of his gross taxable sales during the taxable month was from individual sales at prices of ~~ten~~10 cents or less each and that he was unable to adjust his prices in such manner as to prevent the economic incidence of the sales tax from falling on him, the Tax Commissioner shall determine the proper tax liability of the dealer based on that portion of the dealer's gross taxable sales which was from sales at prices of ~~eleven~~11 cents or more.

§ 58.1-3833. County food and beverage tax.

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed ~~eight and one-half percent, when added to the state and local general sales and use tax,~~ four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by any person described in subdivisions 1, 2, 3, and 5 of § 35.1-25, as well as nonprofit cafeterias in public schools, nursing homes, and hospitals. Grocery stores and convenience stores selling prepared foods ready for human consumption at a

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delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, any county with a population of at least 70,000 but no more than 100,000, any county with a population of at least 17,910 but no more than 18,000, any county with a population of at least 34,000 but no more than 34,400, and any county having a county manager plan of government are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food

and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

4. That the third enactment shall be effective on January 1, 2005, and only if approved in a statewide referendum to be held on November 2, 2004. It shall be the duty of the regular election officers in all localities conducting the election directed by law to be held on Tuesday, November 2, 2004, at the places appointed for holding the same, to open a poll on such day and take the sense of the qualified voters on the question as stated herein on whether the third enactment shall take effect. The ballots shall be prepared, distributed and voted, and the results thereof ascertained and certified, in accordance with Title 24.2 of the Code of Virginia, relating to special elections.

The ballots to be used at the election shall pose the question in substantially the following form:

"Shall the increases in the state sales and use tax, and the individual income tax as specified in the third enactment of Chapter (...Chapter number...) of the 2004 Special Session Acts of Assembly for expanded state services take effect?"

The State Board of Elections shall cause to be sent to the electoral boards of such counties and cities sufficient copies of the third enactment of this act and the question contained herein for the officers of election to post in each polling place on election day. The State Board of Elections shall without delay make out and transmit to the Governor an official copy of the report of the whole number

of votes cast at the election for and against the referendum question, certified by it. The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly."

Explanation:

(This amendment proposes to provide additional funding to support expanded state services contingent upon voter approval of sales and income tax increases pursuant to a November 2004 referendum.)

Item 5-0 #3h

Part 5

Language

Language:

2. That § 58.1-901 of the Code of Virginia is amended and reenacted 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. ~~In no event, however, shall such amount be less than the federal credit allowable by § 2011 of the Internal Revenue Code as it existed on January 1, 1978.~~

Amendments to House Bill 5001, As Introduced

"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.

"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.

Amendments to House Bill 5001, As Introduced

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.

3. That this act shall apply to estates of persons who die after September 30, 2005.

Explanation:

(This amendment repeals the estate tax, effective September 30, 2005.)