

Item 0 #5s

Revenues

Revenues

Language

Language:

Page 1, line 6, after "2012", insert:

" , and to repeal § 58.1-615.1 of the Code of Virginia"

Explanation:

(This amendment makes a technical correction in the title of the bill.)

Item 0 #6s

Revenues

Revenues

Language

Language:

Page 1, line 6, after "the thirtieth day of June, 2012" insert: " , and to amend and reenact Sections 16.1-69.48:2 and 17.1-275 of the Code of Virginia".

Explanation:

(This amendment makes a technical correction in the title of the bill.)

Item 0 #7s

Revenues

Revenues

Language

Language:

Page 1, strike lines 19 through 35 and insert:

"

	First Year	Second Year	Total
Unreserved Balance, June 30, 2010	190,414,956	-	190,414,956
Additions to Balance	27,799	534,093	561,892
Official Revenue Estimates	14,640,583,468	15,380,287,018	30,020,870,486
Transfers	501,922,785	549,453,573	1,051,376,358
Total General Fund Resources Available for Appropriation	15,332,949,008	15,930,274,684	31,263,223,692
	First Year	Second Year	Total
Balance, June 30, 2010	3,234,786,806	-	3,234,786,806
Official Revenue Estimates	22,529,216,054	22,694,058,574	45,223,274,628
Lottery Proceeds Fund	435,200,000	435,200,000	870,400,000
Bond Proceeds	399,890,000	1,198,750,000	1,598,640,000
Total Nongeneral Fund Revenues Available for Appropriations	26,599,092,860	24,328,008,574	50,927,101,434
TOTAL PROJECTED REVENUES	41,932,041,868	40,258,283,258	82,190,325,126 "

Explanation:

(This amendment adjusts the front page of SB 30, as introduced, to reflect changes to revenues, balances, and transfers.)

Item 2 #1s

Legislative Department

Auditor Of Public Accounts

Language

Language:

Page 7, following line 13, insert:

"D. The Auditor of Public Accounts, with the assistance of the Executive Secretary of the Supreme Court, shall determine the total amount of fines that are diverted annually from the Literary Fund and the State Treasury by the practice of citing offenses as violations of local ordinances in lieu of state law."

Explanation:

(This amendment requests the Auditor of Public Accounts to determine the amount of funds diverted annually from the Literary Fund and the State Treasury by the practice of citing offenses as violations of local ordinances in lieu of state law.)

Item 29.1 #2s

Legislative Department

Division of Legislative Services

FY 10-11

\$15,975

FY 11-12

\$15,975

GF

Language:

Page 14, following line 23, insert:
"29.1. Commission on Energy and Environment

\$15,975 \$15,975

29.1 Resource Management Research, Planning and Coordination (50700)
Fund Sources: General

\$15,975 \$15,975."

Explanation:

(This amendment provides \$15,975 each year from the general fund for the Commission on Energy and Environment, which was established pursuant to Chapter 882 of the Acts of Assembly 2008, in Section 30-301 of the Code of Virginia.)

Item 29.1 #4s

Legislative Department

Division of Legislative Services

FY 10-11

\$6,300

FY 11-12

\$6,300 GF

Language:

Page 14, following line 23, insert:
"29.1. Autism Advisory Council

\$6,300 \$6,300

29.1 Health Research, Planning and Coordination (40600)
Fund Sources: General

\$6,300 \$6,300."

Explanation:

(This amendment provides \$6,300 each year from the general fund for the Autism Advisory Council, established by Senate Bill 707 of the 2010 General Assembly. This amendment is contingent upon final passage of Senate Bill 707.)

Item 30 #1s

Legislative Department

Joint Legislative Audit And

Language

Review Commission

Language:

Page 15, following line 14, insert:

"E.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of State agencies.

3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of VITA.

4. Confidential or proprietary records of VITA or Northrop Grumman provided to JLARC shall be exempted from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for VITA review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority."

Explanation:

(This amendment directs the Joint Legislative Audit and Review Commission to continue to provide ongoing oversight of Virginia's information technology outsourcing arrangement using the same model currently utilized by JLARC for ongoing review of the Virginia Retirement System.)

Legislative Department

Joint Legislative Audit And
Review Commission

Language

Language:

Page 15, following line 14, insert:

"E. The Joint Legislative Audit and Review Commission (JLARC) shall evaluate and report on the performance of the Tobacco Indemnification and Community Revitalization Commission (TICR). The report shall include, but not be limited to, a review of the effectiveness of the economic revitalization grants of the TICR, an evaluation of the TICR economic revitalization strategy, and recommendations as to the TICR's outcome metrics and accountability measures. JLARC shall submit a final report by June 30, 2011."

Explanation:

(This amendment requires JLARC to evaluate and report on the performance of the Tobacco Indemnification and Community Revitalization Commission (TICR), including a review of the effectiveness of the economic revitalization grants of the TICR, an evaluation of the TICR economic revitalization strategy, and propose recommendations as to the TICR's outcome metrics and accountability measures.)

Legislative Department

Legislative Department Reversion
Clearing Account

Language

Language:

Page 15, after line 38, insert:

"A. On or before June 30, 2011, the Committee on Joint Rules shall authorize the reversion to the general fund of \$1,034,093, representing savings generated by legislative agencies in the first year.

B. On or before June 30, 2012, the Committee on Joint Rules shall authorize the reversion to the general fund of \$1,034,093, representing savings generated by legislative agencies in the second year."

Explanation:

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

Item 34 #1s

Judicial Department

Supreme Court

FY 10-11
(\$4,200,000)

FY 11-12
(\$4,200,000) GF

Language:

Page 17, line 3, strike "\$11,690,742" and insert "\$7,490,742".

Page 17, line 3, strike "\$11,690,742" and insert "\$7,490,742".

Page 17, strike lines 23-25.

Explanation:

(This amendment eliminates \$4,200,000 each year from the general fund for waivers for increased fees for court-appointed counsel. A companion amendment to Item 33 in Senate Bill 29 reduces funding for waivers in fiscal year 2010.)

Item 38 #1s

Judicial Department

Supreme Court

Language

Language:

Page 19, line 11, insert:

" K. Notwithstanding the provisions of Section 16.1-69.48 paragraphs A or C, the Chief Justice shall direct the Executive Secretary of the Supreme Court to work with the State Treasurer in accordance with Section 2.2-1803 to develop and implement procedures for the deposit of collections for the Commonwealth directly into the State Treasury for Items 41 General District Courts, Item 42 Juvenile and Domestic Relations General District Courts, Item 43 Combined District Courts and item 44 Magistrate System. The Executive Secretary and State Treasurer shall implement direct deposit to the State Treasury within a month of this bill's passage, but no later than July 1, 2010."

Explanation:

(This amendment is one of two that increase general fund deposits by \$8.7 million the first year and \$8.7 million the second year by requiring the direct deposit of state

revenues with the Treasurer of Virginia, as recommended by the Auditor of Public Accounts. There is a companion amendment to Item 248 for the Department of Accounts.)

Item 39 #1s

Judicial Department

Supreme Court

Language

Language:

Page 18, line 14, strike "a monthly summary" and insert "an annual fiscal year summary, on or before September 1 of each year,".

Explanation:

(This amendment adjusts the reporting requirement for the Criminal Fund and the Involuntary Mental Commitment Fund.)

Item 39 #2s

Judicial Department

Supreme Court

Language

Language:

Page 19, following line 11, insert:

"K. There is hereby established a task force within the Judicial Department to develop strategies to maintain the administration of justice during this time of limited resources. The task force shall provide recommendations to the Judicial Council of Virginia, including strategies to streamline, reorganize, and consolidate judicial operations, achieve efficiencies and economies of scale, and address the workload of the courts in the most responsible and responsive manner possible. The recommendations of the task force may include proposed legislation for consideration by the General Assembly. The task force shall be chaired by the Chief Justice of the Supreme Court of Virginia. The membership of the task force shall include the Executive Secretary, six judges appointed by the Chief Justice, one member appointed by the Chairman of the Senate Committee on Courts of Justice, one member appointed by the Chairman of the Senate Committee on Finance, two members appointed by the Speaker of the House of Delegates, and one member appointed by the Governor. The Office of the Executive Secretary shall prepare any reports and proposed legislation, as appropriate, and provide such reports and any

proposed legislation to the Governor and the General Assembly."

Explanation:

(This amendment creates a task force to develop strategies to enable the Judicial Department to maintain the administration of justice during this time of limited resources. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 39 #3s

Judicial Department	FY 10-11	FY 11-12	
Supreme Court	(\$1,000,000)	(\$1,000,000)	GF

Language:

Page 18, line 5, strike "\$27,833,906" and insert "\$26,833,906".
Page 18, line 5, strike "\$27,833,906" and insert "\$26,833,906".

Explanation:

(This amendment increases the across-the-board reductions in the court system by \$1,000,000 each year from the general fund.)

Item 41 #1s

Judicial Department	
Circuit Courts	Language

Language:

Page 21, following line 5, insert:
"F. Notwithstanding the provisions of Section 17.1-281(A) of the Code of Virginia, the maximum fee of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance may be increased by a local governing body from two dollars to ten dollars."

Explanation:

(This amendment authorizes localities to increase the courthouse construction and maintenance fee from two dollars to ten dollars. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively

during a period of severe budget reductions.)

Item 41 #2s

Judicial Department

Circuit Courts

Language

Language:

Page 21, following line 5, insert:

"F.1. In any case in which the circuit court has suspended imposition of sentence or suspended the sentence in whole or in part, pursuant to Section 19.2-303, Code of Virginia, and placed the defendant under active supervision of the Department of Corrections' probation and parole office, the court shall assign a specific period of active supervision and shall not place the probationer under supervision for an indefinite or unspecified period.

2. For offenders placed under active supervision as described in F.1. who have never been convicted of a violent felony as defined in Section 17.1-805(C) and are not required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Section 9.1-901, the period of active supervision assigned by the court shall not exceed three years.

G.1. Notwithstanding the provisions of Section 19.2-304, for an offender placed under active supervision of the Department of Corrections' probation and parole office as a condition of the suspension of sentence, the circuit court may reduce a probationer's supervision period on the recommendation of the probation and parole officer based on credits earned by the probationer while under supervision. The probationer may earn credits toward the reduction of the supervision period in the manner prescribed below.

2. Earned credit equals thirty days for every thirty days that a probationer does all of the following:

- a. Exhibits positive progression toward the goals and treatment requirements of the probationer's supervision plan;
- b. Is current on payments for court-ordered restitution and other court-ordered financial obligations; and,
- c. Is current in completing community obligations, including but not limited to community service.

3. Any earned credit awarded to a probationer shall be revoked if he or she is found by the court to be in violation of a condition of probation.

4. The provisions specified in G.1. through G.3. above shall not apply to a probationer who is currently:

- a. On probation for a violent felony as defined in Section 17.1-805(C);
 - b. On probation exclusively for a misdemeanor offense; or,
 - c. Required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Section 9.1-901.
5. The provisions specified in G.1. through G.4. have no effect on the ability of the court to terminate the period of probation at a time earlier than originally imposed.
6. The provisions specified in F.1. and F.2, and G.1. through G.4., shall apply to offenders sentenced on or after July 1, 2010.

Explanation:

(This amendment provides for certain nonviolent offenders on probation to earn credits which will reduce the length of their term of probation, and limits the maximum time on probation, in order to permit the courts and the Department of Corrections to manage a growing probation caseload in a more efficient and effective manner and to focus the efforts of probation officers on providing the most essential supervisory activities in a time of extremely limited resources. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 41 #3s

Judicial Department

Circuit Courts

Language

Language:

Page 21, following line 5, insert:

"F.1. For any hearing conducted pursuant to Section 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated.

2. For any hearing conducted pursuant to Section 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review and consider the suitability of the discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection. In

hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.

3. Following any hearing conducted pursuant to Section 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.

4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.

5. The provisions specified in F.1. through F.4. shall apply only to hearings conducted pursuant to Section 19.2-306 that are held on or after July 1, 2010."

Explanation:

(This amendment requires sentencing revocation report worksheets in all probation revocation and sentence suspension revocation cases in which the defendant is under the direct supervision of the district probation office. The intended impact of this change is to reduce the number of technical probation violators sentenced to incarceration in a time of extremely limited resources. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 42 #2s

Judicial Department

General District Courts

FY 10-11

(\$6,000,000)

FY 11-12

(\$9,000,000) GF

Language:

Page 21, line 12, strike "\$94,874,301" and insert "\$88,874,301".

Page 21, line 12, strike "\$94,874,301" and insert "\$85,874,301".

Page 21, line 36, following "D." insert "1."

Page 21, following line 37, insert:

"2. The Committee on District Courts, in consultation with the Virginia Association of Commonwealth's Attorneys and the Virginia Indigent Defense Commission, shall develop policies and procedures to reduce the number of misdemeanor charges for which the Commonwealth will seek incarceration, thereby reducing expenditures through the Criminal Fund for court-appointed counsel or for public defenders. The

Executive Secretary of the Supreme Court shall provide a report by October 30, 2010, to the Governor and to the Chairmen of the Senate and House Courts of Justice Committees, and the Chairmen of the Senate Finance and House Appropriations Committees on the implementation of these policies and procedures."

Explanation:

(This amendment reduces funding for the Criminal Fund by \$6,000,000 the first year and \$9,000,000 the second year from the general fund, to reflect a reduction in the number of attorneys appointed to represent offenders charged with misdemeanor offenses. The amendment specifies that the Committee on District Courts, in consultation with the Virginia Association of Commonwealth's Attorneys and the Virginia Indigent Defense Commission, shall develop policies and procedures to reduce the number of misdemeanor charges for which the Commonwealth will seek incarceration, thereby reducing expenditures through the Criminal Fund for court-appointed counsel or for public defenders. A companion amendment to Item 41 in Senate Bill 29 initiates this process in fiscal year 2010. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 47 #1s

Judicial Department	FY 10-11	FY 11-12	
Judicial Inquiry And Review Commission	(\$25,000)	(\$25,000)	GF

Language:

Page 24, line 30, strike "\$562,917" and insert "\$537,917".
 Page 24, line 30, strike "\$562,917" and insert "\$537,917".

Explanation:

(This amendment reduces the appropriation for the Judicial Inquiry and Review Commission by \$25,000 each year from the general fund. This represents an additional reduction of five percent each year)

Item 48 #1s

Judicial Department	FY 10-11	FY 11-12	
Indigent Defense Commission	(\$1,000,000)	(\$1,000,000)	GF

Language:

Page 24, line 40, strike "\$51,637,377" and insert "\$50,637,377".

Page 24, line 40, strike "\$51,137,377" and insert "\$50,137,377".

Explanation:

(This amendment reduces the appropriation for the Indigent Defense Commission by \$1,000,000 each year from the general fund. This represents an additional reduction of two percent each year from anticipated turnover and vacancy savings.)

Item 49 #1s

Judicial Department

Virginia Criminal Sentencing
Commission

Language

Language:

Page 25, at the beginning of line 28, insert "A."

Page 25, following line 32, insert:

"B. On or before August 1, 2010, the Virginia Criminal Sentencing Commission shall publish in the Virginia Register proposed evidence-based risk assessment guidelines designed to inform all discretionary parole and geriatric release decisions made by the Virginia Parole Board. Such proposal shall be accompanied by an evaluation of those evidence-based risk assessment tools then in use or under consideration by other paroling authorities, including an analysis of both static and dynamic risk factors. On or before December 1, 2010, and following at least thirty (30) days notice and opportunity to comment on such proposal by interested members of the public, the Commission shall adopt and publish in the Virginia Register final risk assessment guidelines. Such guidelines shall be applied by the Virginia Parole Board in the course of all discretionary and geriatric release decisions."

Explanation:

(This amendment directs the Virginia Criminal Sentencing Commission to develop risk assessment guidelines to inform discretionary parole and geriatric release decisions made by the Virginia Parole Board. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 49 #2s

Judicial Department

Virginia Criminal Sentencing
Commission

Language

Language:

Page 25, at the beginning of line 28, insert "A."

Page 25, following line 32, insert:

"B. In applying the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2, or 3 of subsection A of Section 17.1-805 or (ii) subsection C of Section 17.1-805 under the discretionary sentencing guidelines, and with due regard for public safety requirements, the Virginia Criminal Sentencing Commission shall recommend alternative sanctions, including giving consideration to recommending home electronic incarceration for low-risk nonviolent offenders with a sentencing guideline midpoint of 12 months or more who are recommended for incarceration in a facility."

Explanation:

(This amendment directs the Virginia Criminal Sentencing Commission to encourage the use of home electronic incarceration for low-risk nonviolent offenders who might otherwise be recommended for incarceration under the felony sentencing guidelines. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 49 #3s

Judicial Department

Virginia Criminal Sentencing
Commission

Language

Language:

Page 25, at the beginning of line 28, insert "A."

Page 25, following line 32, insert:

"B. The Virginia Criminal Sentencing Commission shall conduct a review of the feasibility of extending good time credits to felons with sentences of one to two years who are serving their sentences in local or regional jails. Copies of the review, including suggested legislation, as appropriate, shall be provided to the Judicial Council of Virginia, the Secretary of Public Safety, and the Chairmen of the Senate and House Committees on Courts of Justice, the Senate Finance Committee, and

House Appropriations Committee by September 1, 2010."

Explanation:

(This amendment directs the Virginia Criminal Sentencing Commission to review the extension of good time credits to felons with sentences of one to two years who are serving their sentences in local or regional jails. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 49 #4s

Judicial Department	FY 10-11	FY 11-12	
Virginia Criminal Sentencing Commission	(\$40,000)	(\$40,000)	GF

Language:

Page 25, line 23, strike "\$1,039,254" and insert "\$999,254".
Page 25, line 23, strike "\$1,039,254" and insert "\$999,254".

Explanation:

(This amendment reduces the appropriation for the Virginia Criminal Sentencing Commission by \$40,000 each year from the general fund. This represents an additional reduction of five percent each year.)

Item 50 #1s

Judicial Department	FY 10-11	FY 11-12	
Virginia State Bar	(\$70,000)	(\$70,000)	GF

Language:

Page 25, line 39, strike "\$10,270,000" and insert "\$10,200,000".
Page 25, line 39, strike "\$10,270,000" and insert "\$10,200,000".

Explanation:

(This amendment reduces the appropriation for the Capital Resource Center in the Virginia State Bar by \$70,000 each year from the general fund. This represents an additional reduction of 15 percent each year.)

Executive Offices	FY 10-11	FY 11-12	
Office Of The Governor	(\$320,195)	(\$320,195)	GF
	(\$140,533)	(\$140,533)	NGF
	-3.00	-3.00	FTE

Language:

Page 28, line 15, strike "\$460,728" and insert "\$0".

Page 28, line 15, strike "\$460,728" and insert "\$0".

Page 28, strike lines 15-18.

Explanation:

(This amendment eliminates the Virginia Liaison Office in Washington, D.C.)

Administration	FY 10-11	FY 11-12	
Secretary Of Administration	\$2,645,816	\$2,645,816	GF

Language:

Page 34, following line 7

"67.10. Financial Assistance for \$2,645,816 \$2,645,816

Educational, Cultural, Community, and
Artistic Affairs (14300)

Fund Sources: General \$2,645,816 \$2,645,816."

Community Access to Educational, Economic,
and Cultural Programming Through

Public Television (14303) \$2,174,265 \$2,174,265

Community Access to Educational, Economic,
and Cultural Programming Through

Public Radio (14306) \$471,551 \$471,551

Fund Sources: General \$2,645,816 \$2,645,816

Authority: Title 2.2, Chapter 24, Code of Virginia.

A. Grants to public television stations shall be used to develop, acquire, produce and deliver programs and services which support preschool and adult education, disseminate information on governmental and public affairs issues, promote tourism

and economic development within the Commonwealth, and inform, educate, and entertain families with program content which offers alternatives to commercialized television programming.

B. Out of this appropriation, \$10,000 the first year and \$10,000 the second year shall be set aside from the general fund for the expenses of the Virginia Public Broadcasting Board, with 75 percent of this amount to be taken from community service grants for public television and 25 percent of this amount to be taken from community service grants for public radio.

C. The funds herein appropriated are to be administered by the Secretary of Administration in accordance with such rules and regulations prescribed, provided that: (1) the Secretary of Administration shall certify that recipients of the community service grants provided for in paragraph A of this Item are noncommercial radio and television stations that are owned and operated by entities which qualified to receive community service grants from the Corporation for Public Broadcasting, and whose offices and studios are located in the Commonwealth and (2) the Secretary of Administration shall carry out purposes and functions and engage in activities in ways that will most effectively assure the maximum freedom of the aforesaid noncommercial radio and television entities and systems from interference with, or control of, program content or other activities.

D. Notwithstanding the provisions of paragraph C, of this item, out of the amounts for community service grants to public radio shall be paid \$39,000 the first year and \$39,000 the second year from the general fund to Allegheny Mountain Radio.

E. Community service grants to public television and public radio stations shall be paid in equal quarterly installments. "

Explanation:

(This amendment moves public broadcasting community service grants back to the Office of Administration.)

Item 67.10 #12s

Administration	FY 10-11	FY 11-12	
Secretary Of Administration	\$2,221,336	\$2,221,336	GF

Language:

Page 34, following line 7

2,221,336

"67.10. Financial Assistance for Public	\$2,221,336	\$2,221,336
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Education (Categorical) (17100)

Fund Sources: General \$2,221,336 \$2,221,336."

Authority: Title 2.2, Chapter 24, Code of Virginia.

A. Payments out of this appropriation for educational telecommunications shall be authorized by the Secretary of Administration. The Department of Education shall participate in the negotiations and be a signatory to contracts for elementary and secondary educational telecommunications.

B. The Secretary of Administration is authorized to allocate and disburse state funds to public broadcasting stations and private nonprofit organizations to provide radio reading services for the benefit of print-disabled individuals. "Radio reading services" means the acquisition, production, and distribution by nonprofit organizations or by public broadcasting stations of noncommercial educational, instructional, informational, or cultural audio programs which may be transmitted by means of electronic communication for the benefit of print-disabled individuals, and any related equipment, materials, and services provided for the benefit of such individuals.

Explanation:

(This amendment moves public broadcasting educational services back to the Office of Administration.)

Item 67.10 #3s

Administration

Compensation Board

	FY 10-11	FY 11-12	
	\$350,790,718	\$338,081,539	GF

Language:

Page 34, following line 11 insert:

"67.10.	\$367,091,166	\$381,429,879	
Fund Sources: General	\$350,790,718	\$338,081,539	
Special	\$8,300,448	\$21,674,170	
Dedicated Special Revenue	\$8,000,000	\$21,674,170."	

Financial Assistance for

Regional Jail Operations (30710) \$99,282,622 \$99,308,106

Financial Assistance for

Local Law Enforcement (30712) \$68,337,184 \$68,885,223

Financial Assistance for

Local Court Services (30713) \$39,683,852 \$39,683,852

Financial Assistance to Sheriffs (30716) \$10,993,390 \$10,993,390
 Financial Assistance for
 Local Jail Operations (30718) \$148,794,118 \$148,885,138

Fund Sources: General \$350,790,718 \$338,081,539
 Special \$ 8,300,448 \$ 21,674,170
 Dedicated Special Revenue \$8,000,000 \$21,674,170

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this Item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

July 1, 2010	July 1, 2011	December 1, 2011
to	to	to
<u>June 30, 2011</u>	<u>November 30, 2011</u>	<u>June 30, 2012</u>

Law Enforcement and Jail Responsibility

Less than 10,000	\$64,798	\$64,798	\$64,798
10,000 to 19,999	\$74,480	\$74,480	\$74,480
20,000 to 39,999	\$81,847	\$81,847	\$81,847
40,000 to 69,999	\$88,964	\$88,964	\$88,964
70,000 to 99,999	\$98,849	\$98,849	\$98,849
100,000 to 174,999	\$109,833	\$109,833	\$109,833
175,000 to 249,999	\$115,613	\$115,613	\$115,613
250,000 and above	\$128,458	\$128,458	\$128,458

Law Enforcement or Jail

Less than 10,000	\$63,501	\$63,501	\$63,501
10,000 to 19,999	\$72,989	\$72,989	\$72,989
20,000 to 39,999	\$80,209	\$80,209	\$80,209

40,000 to 69,999	\$87,184	\$87,184	\$87,184
70,000 to 99,999	\$96,872	\$96,872	\$96,872
100,000 to 174,999	\$107,635	\$107,635	\$107,635
175,000 to 249,999	\$113,301	\$113,301	\$113,301
250,000 and above	\$126,531	\$126,531	\$126,531

No Law Enforcement or Jail Responsibility

Less than 10,000	\$59,667	\$59,667	\$59,667
10,000 to 19,999	\$66,296	\$66,296	\$66,296
20,000 to 39,999	\$73,661	\$73,661	\$73,661
40,000 to 69,999	\$81,847	\$81,847	\$81,847
70,000 to 99,999	\$90,942	\$90,942	\$90,942
100,000 to 174,999	\$101,045	\$101,045	\$101,045
175,000 to 249,999	\$106,361	\$106,361	\$106,361
250,000 and above	\$119,466	\$119,466	\$119,466

B. Out of the amounts provided for in this Item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

E. Consistent with the provisions of paragraph B of Item 424, the board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be

determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding to other jails in the Commonwealth that are experiencing overcrowding.

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.

2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.

3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.

4. Beginning on July 1, 2010, state support for the Master Deputy Program is suspended and state general fund appropriation supporting the Master Deputy Program is removed.

H. There is hereby reappropriated the unexpended balance in this Item on June 30, 2010, and June 30, 2011.

I. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be

included in the board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 424 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.

J. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 417 and 418, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

K.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by Sheriffs as part of their annual budget request to the Compensation Board, the board shall increase the annual salary shown in Paragraph A of this Item by the percentage shown below for a twelve-month period effective the following July 1:

a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, or,

b. For sheriffs that have not achieved one of the above accreditations:

1. 3.1 percent for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program; and

2. 3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and

3. 3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and

provide primary law enforcement services in the county.

3. Beginning on July 1, 2010, state support for the Sheriffs' Career Development Program is suspended and state general fund appropriation supporting the Sheriffs' Career Development Program is removed.

L. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$8,000,000 the first year and \$8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.

M. Included in the appropriation for this Item is \$2,326,937 the first year and \$2,443,441 the second year from the general fund to support costs associated with staffing the Rappahannock Regional Jail Unit D, the Pittsylvania County Jail expansion, the replacement facility for the Patrick County Jail and the Blue Ridge Regional Jail expansion.

N. Notwithstanding § 15.2-1609.1, Code of Virginia, the Compensation Board shall fund local law enforcement deputies for any county without a police force at no more than one deputy for each 2,000 population. The Compensation Board is authorized to provide five law enforcement deputies for counties without a police force and a population less than 10,000.

O. Included in the appropriation for this Item is \$4,150,224 the first year and \$10,837,085 the second year from the Virginia Public Safety Fund to support local court security deputies.

P. Included in the appropriation for this Item is \$4,150,224 the first year and \$10,837,085 the second year from the Virginia Public Safety Fund to support local law enforcement deputies."

Explanation:

(This amendment moves Compensation Board funding for sheriffs back to the Office of Administration. A companion amendment deletes sheriffs from the Office of Public Safety.)

Item 67.10 #4s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$51,102,382	\$53,352,871	GF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for Confinement of Inmates in Local and	\$51,102,382	\$53,352,871
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Regional Facilities (35600)

Fund Sources: General	\$51,102,382	\$53,352,871."
Financial Assistance for Local Jail Per Diem (35601)	\$33,316,581	\$35,753,590
Financial Assistance for Regional Jail Per Diem (35604)	\$17,785,801	\$17,599,281

Fund Sources: General \$51,102,382 \$53,352,871

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2011, and June 1, 2012, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence--a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.
2. Local responsible inmate--(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.
3. State responsible inmate--any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.

2. For state responsible inmates--\$12 per inmate day.

F. For the payment specified in paragraph E1 of this Item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.

2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$22 per day for local responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be

recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H1.

4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

5. Any sheriff or regional jail administrator who houses contract prisoners from other states, the District of Columbia, or the federal government for more than 48 hours, shall provide a monthly report to the Director, Department of Corrections, which shall include the classification of the level of security of each such contract inmate and the level of security of the housing unit in which such inmates are confined.

6. The Compensation Board shall apply the cost recovery methodology set out in paragraph H1 of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia

Department of Corrections.

7. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

I.1. Within the limits of funds appropriated in this Item, local and regional jails shall enter into agreements with the Director, Department of Corrections, to house state-responsible offenders and effect transfers of convicted state felons between and among local and regional jails.

2. Such agreements shall be entered into for a period of one year, subject to the limitations of available funding and shall be for offenders in work release or other reentry programs, with a minimum percentage of bed space guaranteed by the local or regional jail and shall take precedence over contracts for housing federal prisoners, within the limits of bed space availability as defined pursuant to standards of the Board of Corrections, except in any case where a federal agency has contributed a share of the capital cost of the facility in return for a guarantee of a proportional number of beds. Bed space pursuant to such agreements shall be determined by the Director, Department of Corrections, based upon state prisoner intake compliance, operational capacity of the jail, and current and projected prisoner population of the jail.

3. Pursuant to such jail contract bed agreements, the Compensation Board is authorized to provide payment to localities in an amount not to exceed \$8 per state felon day, which shall be in addition to any such amounts otherwise authorized by this act. Any such funds received by the localities as a result of this provision shall be used for the maintenance and operation of the local or regional facility.

J. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 417 and 418, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.

K. Projected growth in per diem payments for the support of prisoners in local and regional jails shall be based on actual inmate population counts up through the first quarter of the affected fiscal year.

L. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Mental Health, Mental Retardation and Substance Abuse Services, and shall be coordinated with the data submissions required for the

annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment moves Compensation Board funding for per diem payments back to the Office of Administration. A companion amendment deletes per diem payments from the Office of Public Safety.)

Item 67.10 #5s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$623,140	\$623,140	GF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for Local Finance Directors (71700)	\$623,140	\$623,140
Fund Sources: General	\$623,140	\$623,140."
Financial Assistance to Local Finance Directors (71701)	\$623,140	\$623,140

Fund Sources: General \$623,140 \$623,140

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2010	July 1, 2011	December 1, 2011
	to	to	to
	<u>June 30, 2011</u>	<u>November 30, 2011</u>	<u>June 30, 2012</u>
Less than 10,000	\$58,345	\$58,345	\$58,345
10,000-19,999	\$64,830	\$64,830	\$64,830
20,000-39,999	\$72,034	\$72,034	\$72,034
40,000-69,999	\$80,035	\$80,035	\$80,035
70,000-99,999	\$88,929	\$88,929	\$88,929

100,000-174,999	\$98,808	\$98,808	\$98,808
175,000 to 249,999	\$104,011	\$104,011	\$104,011
250,000 and above	\$118,194	\$118,194	\$118,194

2. Whenever any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such officer under the provisions of this item.

B. 1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A1 of this item following receipt of the appointed officer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by appointed officers as part of their annual budget request to the Compensation Board on February 1 of each year.

3. Beginning on July 1, 2010, state support for the Treasurers' Career Development Program is suspended and state general fund appropriation supporting the Treasurers' Career Development Program is removed.

C. Notwithstanding any other provision of law to the contrary, beginning on July 1, 2010, state support for the local finance directors' office operations is eliminated and state general fund appropriation is removed.

Explanation:

(This amendment moves Compensation Board funding for local Finance Directors back to the Office of Administration. A companion amendment deletes Local Finance Directors from the Office of Public Safety.)

Item 67.10 #6s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$9,368,007	\$9,368,007	GF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for	\$9,368,007	\$9,368,007
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Local Commissioners of the Revenue
(77100)

Fund Sources: General \$9,368,007 \$9,368,007."
 Financial Assistance to Local
 Commissioners of the Revenue for
 Tax Value Certification (77101) \$9,368,007 \$9,368,007

Fund Sources: General \$9,368,007 \$9,368,007

Authority: Title 15.2, Chapter 16, Article 6.1, Code of Virginia.

A. The annual salaries of county or city commissioners of the revenue shall be as hereinafter prescribed, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2010 to June 30, 2011	July 1, 2011 to November 30, 2011	December 1, 2011 to June 30, 2012
Less than 10,000	\$58,345	\$58,345	\$58,345
10,000-19,999	\$64,830	\$64,830	\$64,830
20,000-39,999	\$72,034	\$72,034	\$72,034
40,000-69,999	\$80,035	\$80,035	\$80,035
70,000-99,999	\$88,929	\$88,929	\$88,929
100,000-174,999	\$98,808	\$98,808	\$98,808
175,000 to 249,999	\$104,011	\$104,011	\$104,011
250,000 and above	\$118,194	\$118,194	\$118,194

B. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Commissioners of the Revenue Career Development Program.

2. Following receipt of the commissioner's certification that the minimum requirements of the Commissioners of the Revenue Career Development Program have been met, and provided that such certification is submitted by commissioners of the revenue as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A of this item by the amount shown herein for a 12-month period effective the following July 1. The salary supplement shall be based upon the levels of service offered by the commissioner of the revenue for his/her locality and shall be in accordance with the following schedule:

a. 4.7 percent increase for all commissioners of the revenue who certify their

compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program;

b. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide State Income Tax or Real Estate services as described in the minimum criteria for the Commissioners of the Revenue Career Development Program; and

c. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide State Income Tax and Real Estate services, as described in the minimum criteria for the Commissioners of the Revenue Career Development Program.

3. Beginning on July 1, 2010, state support for the Commissioners of the Revenue Career Development Program is suspended and state general fund appropriation supporting the Commissioners of the Revenue Career Development Program is removed.

C. Notwithstanding any other provision of law to the contrary, beginning on July 1, 2010, state support for the commissioners' of the revenue office operations and state tax services is eliminated and state general fund appropriation is removed.

Explanation:

(This amendment moves Compensation Board funding for local Commissioners of the Revenue back to the Office of Administration. A companion amendment deletes Local Commissioners of the Revenue from the Office of Public Safety.)

Item 67.10 #7s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$55,271,427	\$55,271,427	GF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for Attorneys for the Commonwealth (77200)	\$55,271,427	\$55,271,427	
Fund Sources: General	\$55,271,427	\$55,271,427."	
Financial Assistance to Attorneys for the Commonwealth (77201)	\$13,861,229	\$13,861,229	
Financial Assistance for Operations of Local Attorneys for			

the Commonwealth (77202) \$41,410,198 \$41,410,198

Fund Sources: General \$55,271,427 \$55,271,427

Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.

A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2010 to <u>June 30, 2011</u>	July 1, 2011 to <u>November 30, 2011</u>	December 1, 2011 to <u>June 30, 2012</u>
Less than 10,000	\$51,706	\$51,706	\$51,706
10,000-19,999	\$57,458	\$57,458	\$57,458
20,000-34,999	\$63,202	\$63,202	\$63,202
35,000-44,999	\$113,760	\$113,760	\$113,760
45,000-99,999	\$126,397	\$126,397	\$126,397
100,000-249,999	\$131,139	\$131,139	\$131,139
250,000 and above	\$135,882	\$135,882	\$135,882

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of this Item for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the

Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's attorney, public defender or employee of a public defender, shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the circuit court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the board in Item 74 E of Chapters 912 and 924.

F. There is hereby reappropriated the unexpended balance remaining in this program on June 30, 2010, and June 30, 2011.

G. The Compensation Board shall monitor the Department of Taxation program regarding the collection of unpaid fines and court costs by private debt collection firms contracted by Commonwealth's attorneys and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for clerks of the courts and Commonwealth's attorneys, the amount of unpaid fines and costs collected by this program.

H. Out of this appropriation, \$389,165 the first year and \$389,165 the second year

from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's attorney's offices that shall be dedicated to prosecuting gang-related criminal activities. The board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax).

I. Beginning on July 1, 2010, state support for the Career Prosecutor Career Development Program is suspended and state general fund appropriation supporting the Career Prosecutor Career Development Program is removed.

Explanation:

(This amendment moves Compensation Board funding for Attorneys for the Commonwealth back to the Office of Administration. A companion amendment deletes Attorneys for the Commonwealth from the Office of Public Safety.)

Item 67.10 #8s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$32,608,049	\$32,608,049	GF
	\$14,229,597	\$14,229,597	NGF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for Circuit Court Clerks (77300)	\$46,837,646	\$46,837,646
Fund Sources: General	\$32,608,049	\$32,608,049
Special	\$14,229,597	\$14,229,597."

Financial Assistance to

Circuit Court Clerks (77301) \$11,874,163 \$11,874,163

Financial Assistance for

Operations for Circuit Court Clerks (77302) \$14,642,646 \$14,642,646

Financial Assistance for

Circuit Court Clerks' Land Records (77303) \$20,320,837 \$20,320,837

Fund Sources: General \$32,608,049 \$32,608,049

Trust and Agency \$14,229,597 \$14,229,597

Authority: Title 15.2, Chapter 16, Article 6.1; §§ 51.1-706 and 51.1-137, Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. The annual salaries of clerks of circuit courts shall be as hereinafter prescribed.

	July 1, 2010 to June 30, 2011	July 1, 2011 to November 30, 2011	December 1, 2011 to June 30, 2012
Less than 10,000	\$73,304	\$73,304	\$73,304
10,000 to 19,999	\$90,326	\$90,326	\$90,326
20,000-39,999	\$103,419	\$103,419	\$103,419
40,000-69,999	\$108,654	\$108,654	\$108,654
70,000-99,999	\$117,814	\$117,814	\$117,814
100,000-174,999	\$128,288	\$128,288	\$128,288
175,000-249,999	\$132,270	\$132,270	\$132,270
250,000 and above	\$136,146	\$136,146	\$136,146

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 424 A 2, the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court clerk.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A 1 through A 3 of this Item.

5. All clerks shall deposit all clerks' fees and state revenue with the State Treasurer in a manner consistent with § 2.2-806, Code of Virginia, unless otherwise provided by the Compensation Board as set forth in § 17.1-284, Code of Virginia or otherwise provided by law.

B. The reports filed by each circuit court clerk pursuant to § 17.1-283, Code of Virginia, for each calendar year shall include all income derived from the performance of any office, function or duty described or authorized by the Code of Virginia whether directly or indirectly related to the office of circuit court clerk, including, by way of description and not limitation, services performed as a commissioner of accounts, receiver, or licensed agent, but excluding private services performed on a personal basis which are completely unrelated to the office. The Compensation Board may suspend the allowance for office expenses for any clerk who fails to file such reports within the time prescribed by law, or when the board determines that such report does not comply with the provisions of this paragraph.

C. Each clerk of the circuit court shall submit to the Compensation Board a copy of the report required pursuant to § 19.2-349, Code of Virginia, at the same time that it is submitted to the Commonwealth's attorney.

D. There is hereby reappropriated the unexpended balance remaining in this program on June 30, 2010, and June 30, 2011.

E. Included within this appropriation are Trust and Agency funds necessary to support one position to assist circuit court clerks in implementing the recommendations of the Land Records Management Task Force Report dated January 1, 1998.

F. Notwithstanding the provisions of § 17.1-279 E, Code of Virginia, the Compensation Board may allocate to the clerk of any circuit court funds for the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses by such court. Any such funds allocated shall be deemed to have been expended pursuant to clause (iii) of § 17.1-279 E for the purposes of the limitation on allocations set forth in that subsection.

G. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board may allocate up to \$3,978,426 the first year and \$3,978,426 the second year of Technology Trust Fund moneys for operating expenses in the Clerks' offices.

H. Notwithstanding § 17.1-287, Code of Virginia, any elected official funded through this Item may elect to relinquish any portion of his state funded salary established in paragraph A 1 of this Item. In any office where the official elects this option, the Compensation Board shall ensure the amount relinquished is used to fund salaries of other office staff.

I.1. For audits of clerks of the circuit court completed after July 1, 2004, the Auditor of Public Accounts shall report any internal control matter that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Auditor of Public Accounts will also report on compliance with

appropriate law and other financial matters of the clerks' office.

2. For internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability, the Clerk shall provide the Auditor of Public Accounts a written corrective action plan to any such audit findings within 10 business days of the audit exit conference, which will state what actions the clerk will take to remediate the finding. The clerk's response may also address the other matters in the report. During the next audit, the Auditor of Public Accounts shall determine and report if the clerk has corrected the finding related to internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.

3. Notwithstanding the provisions of Item 469, the Compensation Board shall not provide any salary increase to any circuit court clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above.

J.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Circuit Court Clerks' Career Development Program.

2. Following receipt of a clerk's certification that the minimum requirements of the Clerks' Career Development Program have been met, and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A.1. of this Item by 9.3 percent with the salary increase becoming effective on the following July 1 for a 12-month period.

3. Beginning on July 1, 2010, state support for the Clerks' Career Development Program is suspended and state general fund appropriation supporting the Clerks' Career Development Program is removed.

K.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Deputy Clerks of Circuit Courts' Career Development Program.

2. For each deputy clerk selected by the Clerk for participation in the Deputy Clerks' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the Clerk's certification that the minimum requirements of the Deputy Clerks' Career Development Program have been met and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year.

3. Beginning on July 1, 2010, state support for the Deputy Clerks' Career Development Program is suspended and state general fund appropriation supporting the Deputy Clerks' Career Development Program is removed.

L. Upon request of the attorney for the Commonwealth, the clerk of the circuit court

shall contemporaneously provide the attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to §19.2-298.01 (E), Code of Virginia.

M. The Compensation Board may obligate Trust and Agency funds in excess of the current biennium appropriation for the automation efforts of the clerks' offices from the Technology Trust Fund provided that sufficient cash is available to cover projected costs in each year and that sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget."

Explanation:

(This amendment moves Compensation Board funding for Circuit Court Clerks back to the Office of Administration. A companion amendment deletes Circuit Court Clerks from the Office of Public Safety.)

Item 67.10 #9s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$8,546,944	\$8,546,944	GF

Language:

Page 34, following line 11 insert:

"67.10. Financial Assistance for Local Treasurers (77400)	\$8,546,944	\$8,546,944
Fund Sources: General	\$8,546,944	\$8,546,944."
Financial Assistance to Local Treasurers (77401)	\$8,546,944	\$8,546,944

Fund Sources: General \$8,546,944 \$8,546,944

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of treasurers, elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

July 1, 2010	July 1, 2011	December 1, 2011
to	to	to
<u>June 30, 2011</u>	<u>November 30, 2011</u>	<u>June 30, 2012</u>

Less than 10,000	\$58,345	\$58,345	\$58,345
10,000 to 19,999	\$64,830	\$64,830	\$64,830
20,000-39,999	\$72,034	\$72,034	\$72,034
40,000-69,999	\$80,035	\$80,035	\$80,035
70,000-99,999	\$88,929	\$88,929	\$88,929
100,000-174,999	\$98,808	\$98,808	\$98,808
175,000-249,999	\$104,011	\$104,011	\$104,011
250,000 and above	\$118,194	\$118,194	\$118,194

2. Provided, however, that in cities having a treasurer who neither collects nor disburses local taxes or revenue or who distributes local revenues but does not collect the same, such salaries shall be seventy-five percent of the salary prescribed above for the population range in which the city falls except that in no case shall any such treasurer, or any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, receive an increase in salary less than the annual percentage increase provided from state funds to any other treasurer, within the same population range, who was at the maximum prescribed salary in effect for the fiscal year FY 1980.

3. Whenever a treasurer is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such treasurer under the provisions of this Item.

B. There is hereby reappropriated the unexpended balance remaining in this program on June 30, 2010, and June 30, 2011.

C.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item by 9.3 percent following receipt of the Treasurer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by Treasurers as part of their annual budget request to the Compensation Board on February 1 of each year.

3. Beginning on July 1, 2010, state support for the Treasurers' Career Development Program is suspended and state general fund appropriation supporting the Treasurers' Career Development Program is removed.

D. Notwithstanding any other provision of law to the contrary, beginning on July 1, 2010, state support for the treasurers' office operations and state tax services is eliminated and state general fund appropriation is removed."

Explanation:

(This amendment moves Compensation Board funding for local Treasurers back to the Office of Administration. A companion amendment deletes Local Treasurers from the Office of Public Safety.)

Item 67.10 #10s

Administration	FY 10-11	FY 11-12	
Compensation Board	\$4,965,347	\$4,965,347	GF

Language:

Page 34, following line 11 insert:

"67.10. Administrative and Support Services (79900)	\$4,965,347	\$4,965,347
Fund Sources: General	\$4,965,347	\$4,965,347."
General Management and Direction (79901)	935,046	935,046
Information Technology Services (79902)	\$2,272,478	\$2,272,478
Training Services (79925)	\$81,823	\$81,823
Liability Insurance (79940)	\$1,676,000	\$1,676,000

Fund Sources: General \$4,965,347 \$4,965,347

Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. In determining the salary of any officer specified in Items 417, 419, 420, 421, 422, and 423 of this act, the Compensation Board shall use the greater of the most recent actual United States census count or the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia available when fixing the officer's annual budget and shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent remains in office.

2. In determining the salary of any officer specified in Items 417, 419, 420, 421, 422, and 423 of this act, nothing herein contained shall prevent the governing body of any county or city from supplementing the salary of such officer in such county or city

for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

3. Any officer whose salary is specified in Items 417, 419, 420, 421, 422, and 423 of this act shall provide reasonable access to his work place, files, records, and computer network as may be requested by his duly elected successor after the successor has been certified.

B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, subject to appropriation by the General Assembly, including the principal officer, at the following levels:

	<u>FY 2011</u>	<u>FY 2012</u>
Sheriffs	10,501	10,501
Partially Funded: Jail Medical, Treatment, and Classification and Records Positions	725	726
Commissioners of the Revenue	128	128
Treasurers	128	128
Directors of Finance	6	6
Commonwealth's Attorneys	1,266	1,266
Clerks of the Circuit Court	1,144	1,144
TOTAL	13,899	13,899

2. The Compensation Board is authorized to provide funding for 549 temporary positions the first year and 549 temporary positions the second year.

3. The board is authorized to adjust the expenses and other allowances for such officers to maintain approved permanent and temporary manpower levels.

4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to § 17.1-290, Code of Virginia.

C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002 shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

2. Reimbursement by the Compensation Board for the use of personal vehicles in the discharge of official duties shall be at a rate equal to that established in § 4-5.04 f 2. of this act. All such requests for reimbursement shall be accompanied by a certification that a publicly owned or leased vehicle was unavailable for use.

D. The Compensation Board is directed to examine the current level of crowding of inmates in local jails among the several localities and to reallocate or reduce

temporary positions among local jails as may be required, consistent with the provisions of this act.

E. Any new positions established in Item 424 of this act shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 417 of this act.

F. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein, and nothing in any performance pay plan set by the Compensation Board or adopted by a constitutional officer, shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.

G. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the Board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.

H. The Compensation Board shall not approve or commit additional funds for the operational cost, including salaries, for any local or regional jail construction, renovation, or expansion project which was not approved for reimbursement by the State Board of Corrections prior to January 1, 1996, unless: (1) the Secretary of Public Safety certifies that such additional funding results in an actual cost savings to the Commonwealth or (2) an exception has been granted as provided for in Item 377 of this act.

I. Out of this appropriation \$118,110 the first year and \$118,110 the second year from the general fund is designated for executive management, lawful employment practices, and new deputy and jail management training for constitutional officers, their employees, and regional jail superintendents.

J. Any local or regional jail that receives funding from the Compensation Board shall report inmate populations to the Compensation Board, through the local inmate data system, no less frequently than weekly. Each local or regional jail that receives funding from the Compensation Board shall use the Virginia Crime Codes (VCC) in

identifying and describing offenses for persons arrested and/or detained in local and regional jails in Virginia.

K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates and investment/interest monies for inclusion in the report.

2. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report.

3. If any sheriff, superintendent, county administrator, or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure. If the information is not provided within ten working days from that date, then the chairman shall cause the information to be prepared from the books of the city, county, or regional jail and shall certify the cost thereof to the State Comptroller. The Comptroller shall issue his warrant on the state treasury for that amount, deducting the same from any funds that may be due the sheriff or regional jail from the Commonwealth.

L. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 417, 420, 421, 422, and 423 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph F of this Item, any positions in the constitutional offices of the former city which are available for reallocation as a result of the transition shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county, as provided in § 15.2-1302, Code of Virginia.

M. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.

N. The Compensation Board is hereby authorized to deduct, from the first

reimbursements made each year to localities out of the amounts in Items 417, 419, 420, 421, 422, and 423 of this act, an amount equal to each locality's share of the insurance premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.

O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements due the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by a locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is accurate, the Compensation Board shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.

P. Included in this appropriation is \$993,274 the first year and \$993,274 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide for SAVIN program coordination, and the Virginia Sex Offender Registry.

Q. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation Board is hereby authorized to deduct, from the first reimbursements made each year to localities out of the amounts in Items 417, 419, 420, 421, 422, and 423 of this act, an amount equal to each locality's retiree health premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.

R. Notwithstanding any other provision of law to the contrary, beginning July 1, 2010, the state support in Items 417, 419, 420, 421, 422, and 423 for group life insurance and retirement costs is eliminated and state general fund appropriation is removed."

Explanation:

(This amendment moves Compensation Board Administrative and Support Services back to the Office of Administration. A companion amendment deletes Compensation Board Administrative and Support Services from the Office of Public Safety.)

Item 71 #3s

Administration	FY 10-11	FY 11-12	
Department Of General Services	\$1,600,000	\$400,000	GF

Language:

Page 35, line 42, strike "\$5,483,507" and insert "\$7,083,507".

Page 35, line 42, strike "\$5,483,507" and insert "\$5,883,507".

Page 37, following line 9, insert:

"I. Included in this Item is \$1,600,000 the first year and \$400,000 the second year from the general fund for the acquisition, operation, and maintenance of a capital project information management system for the Department of General Services."

Explanation:

(This amendment provides \$1.6 million GF the first year and \$0.4 million GF the second year for the acquisition and operation of a capital project information management system for the Department of General Services.)

Item 75 #1s

Administration	FY 10-11	FY 11-12	
Department Of Human Resource Management	-1.00	-1.00	FTE

Language:

Page 39, line 9, strike "58.00" in the first year and insert "57.00".

Page 39, line 9, strike "58.00" in the second year and insert "57.00".

Page 39, line 11, strike "104.00" in the first year and insert "103.00".

Page 39, line 9, strike "104.00" in the second year and insert "103.00".

Explanation:

(This amendment adjusts position levels to accurately reflect agency reductions in merging the Department of Employment Dispute Resolution into the Department of Human Resource Management. A previously approved (September) layoff was inadvertently not included in the merge of the agency.)

Item 75 #2s

Administration	FY 10-11	FY 11-12	
Department Of Human Resource Management	\$100,000	\$0	GF

Language:

Page 38, line 2, strike "\$12,091,446" and insert "\$12,191,446".

Page 39, following line 7, insert:

"I. The Department of Human Resource Management, with the assistance of the Department of Education, shall undertake the design of a state wide program of health insurance for employees of local school divisions. Such program may include other local employees if actuarial analysis indicates that the creation of a program for school divisions would negatively impact the existing Local Choice program."

Explanation:

(This amendment provides \$100,000 GF the first year for costs associated with the design of a state-wide health insurance program for local school divisions.)

Item 75 #3s

Administration	FY 10-11	FY 11-12	
Department Of Human Resource Management	(\$65,200)	(\$97,800)	GF

Language:

Page 38, line 2, strike "\$12,091,446" and insert "\$12,026,246".

Page 38, line 2, strike "\$11,995,446" and insert "\$11,897,646".

Explanation:

(This amendment captures savings of \$65,200 GF the first year and \$97,800 GF the second year from elimination of the Career Center at the Department of Human Resource Management.)

Item 79 #2s

Administration	FY 10-11	FY 11-12	
State Board Of Elections	\$506,200	\$0	GF

Language:

Page 41, line 2, strike "\$7,558,527" and insert "\$8,064,727".

Explanation:

(This amendment provides \$506,200 GF the first year for expenses related to placing four constitutional amendments on the ballot in November 2010. These measures are on the ballot pursuant to SB 31, SB 113, SB 362 and SB 547.)

Item 83 #1s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Agriculture And	\$142,500	\$142,500	GF
Consumer Services	3.00	3.00	FTE

Language:

Page 45, line 17, strike "\$6,744,156" and insert "\$6,886,656".

Page 45, line 17, strike "\$6,742,906" and insert "\$6,885,406".

Explanation:

(This amendment restores funding and three positions for the Coyote Control Program, which was proposed to be eliminated in the introduced budget.)

Item 84 #2s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Agriculture And	(\$580,679)	(\$580,679)	GF
Consumer Services	\$1,300,000	\$1,300,000	NGF

Language:

Page 45, line 26, strike "\$15,461,990" and insert "\$16,181,311".

Page 45, line 26, strike "\$15,461,990" and insert "\$16,181,311".

Page 46, line 23, strike "\$580,679" and insert "\$1,300,000".

Page 46, line 24, strike "580,679" and insert "\$1,300,000".

Page 46, line 24, strike "the general fund" and insert "nongeneral funds from the Virginia Wine Promotion Fund established pursuant to § 3.2-3005, Code of Virginia,".

Explanation:

(This amendment implements the provisions of Senate Bill 237, which provides that the portion of the wine liter tax attributable to the sale of wine produced by farm wineries be provided to the Wine Promotion Fund. A companion amendment to Item 3-1.01 deposits these funds from the general fund into the Wine Promotion Fund.)

Item 88 #1s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Agriculture And	(\$1,631,682)	(\$1,631,682)	GF
Consumer Services	\$4,200,000	\$4,200,000	NGF
	27.00	27.00	FTE

Language:

Page 47, line 15, strike "\$4,394,663" and insert "\$6,962,981".

Page 47, line 15, strike "\$4,394,663" and insert "\$6,962,981".

Page 47, strike lines 23, 24 and 25 and insert:

"A. It is the intent of the General Assembly that the Commissioner inspect, at least annually, each weight and measure commercially used.

B. The moneys collected pursuant to Item 443 B. of this act shall be deposited into the Weights and Measures Fund established under § 3.2-5628, Code of Virginia, and shall be used solely to test such petroleum dispensing pumps. However, if the amount of such moneys collected in a fiscal year pursuant to Item 443 B of this act exceeds the actual costs incurred during that year for the testing of such petroleum dispensing pumps then, as soon as practicable after the close of the fiscal year, the Commissioner shall report such excess to the Comptroller, who shall then transfer such excess to the Virginia Petroleum Storage Tank Fund established pursuant to the provisions of § 62.1-44.34:11, Code of Virginia."

Explanation:

(This amendment is a companion amendment to Item 443 to fund the Weights and Measures Inspection program pursuant to Senate Bill 261. This amendment appropriates revenue from a fee of one-tenth of one cent on each gallon of fuel, collected at the rack. All such funds shall only be used for the inspection of petroleum dispensing devices. The remaining general fund appropriation will be used for the inspection of all other weights and measures devices. The Department will now be required to inspect each device at least annually, as opposed to the current schedule of about once every two years.)

Item 89 #1s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Agriculture And	\$200,313	\$1,043,957	GF
Consumer Services	\$1,043,957	\$1,043,957	NGF
	35.00	35.00	FTE

Language:

Page 47, line 26, strike "\$5,718,085" and insert "\$6,962,355".
Page 47, line 26, strike "\$4,871,394" and insert "\$6,959,308".
Page 47, strike lines 37 through 45.
Page 47, line 46, strike "C" and insert "B".

Explanation:

(This amendment restores funding and positions that were eliminated in the introduced budget to provide for a state meat inspection program for processing plants that operate under the federal Talmadge-Aiken program, which regulates the interstate distribution of meat and poultry.)

Item 89 #2s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Agriculture And	(\$540,000)	(\$540,000)	GF
Consumer Services	\$540,000	\$540,000	NGF

Language:

Page 47, line 47, strike "\$40" and insert "\$100".

Explanation:

(This amendment authorizes the Commissioner of Agriculture and Consumer Services to increase the annual food inspection fee from \$40 to \$100 in order to cover the direct costs of the inspections, resulting in a general fund savings of \$540,000 each year of the biennium.)

Item 93 #1s

Agriculture And Forestry	FY 10-11	FY 11-12	
Department Of Forestry	\$0	(\$600,000)	GF

Language:

Page 49, line 5, strike "\$26,926,997" and insert "\$26,326,997".

Explanation:

(This amendment reduces funding for the Department of Forestry in the second year based on prior equipment purchases under the master equipment lease program being paid off.)

Commerce And Trade

Secretary Of Commerce And Trade

Language

Language:

Page 51, after line 33, insert:

"C. The Secretary shall examine the potential to merge the Department of Business Assistance and the Economic Development Partnership. This examination shall include, but not be limited to an analysis of duplication of efforts, the potential for administrative efficiencies, and the opportunity for better coordination of economic development programs. The Secretary shall also consider the ability to more effectively address the needs of business with fewer than 250 employees, to include to creation of more small businesses in the Commonwealth, the training and workforce needs of small businesses, and other incentives to assist existing and prospective small business entities. The Secretary shall report his findings to the Governor and the Chairmen of the Senate Finance and the House Appropriations Committees by October 30, 2010."

Explanation:

(This amendment is self-explanatory.)

Commerce And Trade

Economic Development Incentive
Payments

Language

Language:

Page 52, after line 43, insert:

"8. Out of the appropriation for this Item, such amounts as needed to meet the Commonwealth's previous commitments shall be deposited in the Biofuels Production Fund, as established in § 45.1-393 of the Code of Virginia. Such funds shall be used to provide a grant in support of the location and construction of a non-advanced neat biofuel production facility in the City of Hopewell in an amount equal to \$0.10 for each gallon of neat biofuels produced and sold by the facility in each calendar year."

Explanation:

(This amendment fulfills the Commonwealth's economic development commitment to a company that selected Virginia for the location of the nation's first barely ethanol production facility. This \$170.0 million investment, which is the largest alternative energy project in Virginia, will produce 65 million gallons per year of alternative fuel and is on schedule to be completed in June 2010. The Commonwealth marketed funding from the Virginia Biofuel Production Fund as an economic development incentive to locate in the City of Hopewell. Funding for this commitment was not included in the introduced budget. A companion amendment to Item 111 strikes language in the introduced budget that is not necessary with this amendment.)

Item 96 #3s

Commerce And Trade	FY 10-11	FY 11-12	
Economic Development Incentive Payments	(\$7,500,000)	(\$7,500,000)	GF

Language:

Page 51, line 39, strike "\$38,950,436" and insert "\$31,450,436".

Page 51, line 39, strike "\$44,310,384" and insert "\$36,810,384".

Page 53, strike lines 26 through 54.

Page 54, strike lines 1 through 3.

Explanation:

(This amendment eliminates funding for purchases of property to mitigate encroachment around the Oceana U.S. Navy Master Jet Base. To date, \$60.0 million in state and local funding has been provided for this purpose. A total of \$41.9 million has been used to purchase about 57 acres around the base. As of December 2009, the City of Virginia Beach had a balance of \$9.3 million and was preparing to purchase another 14 parcels in zones with the potential for accidents around the base.)

Item 96 #4s

Commerce And Trade	
Economic Development Incentive Payments	Language

Language:

Page 52, line 30, strike "Up to" and insert:

"All such funds, in an amount estimated at".

Page 52, line 31, strike "may" and insert "shall".

Page 52, strike lines 32 and 33 and insert:

"deposited into the Major Employment and Investment Project Site Planning Grant Fund established pursuant to § 2.2-2240.2, Code of Virginia."

Explanation:

(This amendment provides an amount estimated at \$5.0 million GF from previously awarded funds that were not used and funds repaid by political subdivisions and business beneficiaries deposited in the Governor's Development Opportunity Fund to be transferred to the Major Employment and Investment Project Site Planning Grant Fund established pursuant to Senate Bill 730 of the 2010 Session.)

Item 96 #5s

Commerce And Trade

Economic Development Incentive
Payments

Language

Language:

Page 52, after line 43, insert:

"8. Out of these amounts shall be paid an amount not to exceed \$2,400,000 the first year for a grant for the reimbursement of sales and use taxes paid by an eligible entity for purchase of certain computer equipment and enabling hardware pursuant to the second enactment clause of Senate Bill 130 (2010)."

Explanation:

(This amendment fulfills the Commonwealth's commitment to an entity that is required to make a new capital investment of at least \$150.0 million and create at least 50 new jobs associated with the operation or maintenance of a data center.)

Item 96 #6s

Commerce And Trade

Economic Development Incentive
Payments

FY 10-11

\$0

FY 11-12

(\$1,011,948) GF

Language:

Page 51, line 39, strike "\$44,310,384" and insert "\$43,298,436".

Page 52, line 48, strike "\$2,807,329" and insert "\$1,795,381".

Explanation:

(This amendment provides level funding in the amount of \$1,795,381 GF each year for the Virginia Investment Partnership Grant Fund. The General Assembly will evaluate the actual level of funding needed in the second year during the 2011 Session.)

Item 96 #7s

Commerce And Trade

	FY 10-11	FY 11-12	
Economic Development Incentive	(\$100,000)	\$0	GF
Payments	\$100,000	\$0	NGF

Language:

Page 53, line 8, strike "\$100,000 the first year from the general fund" and insert: "an amount estimated at \$475,000 the first year from nongeneral funds".

Page 53, line 10, strike "In addition to these amounts, \$375,000 in" and insert "These".

Explanation:

(This amendment increases the amounts projected from the digital media fee established pursuant to § 58.1-1731, Code of Virginia. It is estimated that the fee will generate \$475,000 each year for the Motion Picture Opportunity Fund.)

Item 96 #8s

Commerce And Trade

Economic Development Incentive	Language
Payments	

Language:

Page 52, after line 43, insert:

"8. Out of the appropriation for this item, such amounts as needed shall be transferred to the Motion Picture Film Production Incentive Grant Fund established pursuant to § 2.2-2319.1, Code of Virginia."

Explanation:

(This amendment implements the provisions of Senate Bill 257, which creates the Motion Picture Film Production Incentive Grant Fund.)

Item 98 #1s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Business Assistance	(\$400,000)	(\$474,513)	GF

Language:

Page 54, line 22, strike "\$11,174,897" and insert "\$10,774,897".

Page 54, line 22, strike "\$11,249,410" and insert "\$10,774,897".

Explanation:

(This amendment reduces funding for the Department of Business Assistance by approximately four percent from savings to be achieved through reducing administrative expenses and implementing efficiencies.)

Item 98 #2s

Commerce And Trade	
Department Of Business Assistance	Language

Language:

Page 54, line 43, after "C." insert:

"1. It is the intent of the General Assembly that grants from the Virginia Jobs Investment Program shall be prioritized as follows: The first priority shall be given to businesses with 100 or fewer employees that create new jobs . The second priority shall be given to businesses with greater than 100 employees but fewer than 250 employees that create new jobs. Grants from the program shall be provided to businesses with 250 or more employees only after the needs of smaller businesses have been met."

Page 54, line 43, before "Any" insert "2."

Explanation:

(This amendment expresses the intent that grants from the VJIP program shall be prioritized for small businesses that create new jobs.)

Item 99 #3s

Commerce And Trade	FY 10-11	FY 11-12
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Department Of Housing And Community Development	\$50,000 1.00	\$50,000 1.00	GF FTE
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Language:

Page 55, line 18, strike "\$47,675,836" and insert "\$47,725,836".
Page 55, line 18, strike "\$48,903,368" and insert "\$48,953,368".
Page 55, line 28, strike "\$3,082,705" and insert "\$3,132,705".
Page 55, line 30, strike "\$3,082,705" and insert "\$3,132,705".

Explanation:

(This amendment provides funding and one position for administration of the housing choice voucher tax credit program pursuant to SB 458 (2010). A corresponding amendment to the revenue page provides a general fund increase to offset this appropriation because the bill reduces the ceiling for the tax credit from \$500,000 per year, which is assumed in the introduced budget, to \$450,000 per year.)

Item 99 #4s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Housing And Community Development	\$0	(\$250,000)	GF

Language:

Page 55, line 18, strike "\$48,903,368" and insert "\$48,653,368".
Page 56, line 2, strike "and \$250,000 the second year".

Explanation:

(This amendment eliminates the second year appropriation for mortgage counseling services. This program was initiated in 2010 to address the increasing rate of mortgage foreclosures and was intended to be temporary. It is projected that the number of foreclosures statewide will be reduced by the second year of the biennium.)

Item 100 #3s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Housing And Community Development	(\$500,000)	\$0	GF

Language:

Page 56, line 14, strike "\$55,330,883" and insert "\$54,830,883".
Page 58, line 25, strike "\$2,176,833" and insert "\$1,676,833".

Explanation:

(This amendment provides \$1,676,833 GF the first year for the Fort Monroe Authority, which represents an increase of \$120,000 over FY 2010 funding to implement the reuse plan when the U.S. Army vacates the facility in 2011.)

Item 100 #4s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Housing And Community Development	(\$1,808,460)	(\$1,808,460)	GF

Language:

Page 56, line 14, strike "\$55,330,883" and insert "\$53,522,423".
Page 56, line 14, strike "\$53,154,050" and insert "\$51,345,590".
Page 56, strike lines 36 through 50.
Page 57, strike lines 1 through 33.

Explanation:

(This amendment eliminates state support for Regional Planning District Commissions. These commissions are comprised of local elected officials and the state funding provides only limited administrative support.)

Item 109.01 #1s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Labor And Industry	(\$200,000)	(\$200,000)	GF

Language:

Page 61, after line 3
"109.01. Executive Management Savings (\$200,000) (\$200,000)
Fund Sources: General (\$200,000) (\$200,000)."

Explanation:

(This amendment reduces funding for the Department of Labor and Industry by approximately three percent from savings to be achieved through reducing administrative expenses and implementing efficiencies.)

Commerce And Trade

Department Of Mines, Minerals
And Energy

Language

Language:

Page 61, after line 28, insert:

"D. The application fee for a coal mine license or a renewal or transfer of a license pursuant to § 45.1-161.58, Code of Virginia, shall be in the amount of \$350.

E. The application fee for a mineral mine license or a renewal or transfer of a license pursuant to § 45.1-161.292:31, Code of Virginia, shall be in the amount of \$400, except applications submitted electronically, which shall be accompanied by a fee of \$330. However, the fee for any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of \$100, except applications submitted electronically, which shall be accompanied by a fee of \$80.

F. The application fee for a new oil or gas well permit pursuant to § 45.1-361.29, Code of Virginia, shall be in the amount of \$600 and the application fee for permit modifications shall be \$300."

Explanation:

(This amendment implements the provisions of Senate Bill 558, Senate Bill 559, and Senate Bill 560 of the 2010 Session. Revenue from these fees was included in the introduced budget.)

Commerce And Trade

Department Of Mines, Minerals
And Energy

Language

Language:

Page 61, strike lines 38 through 45.

Explanation:

(This amendment is a companion amendment to an amendment to Item 96, which

provides funding for the Biofuels Production Fund. This amendment strikes language regarding the intent to provide funding, which is unnecessary if the program receives funding.)

Item 112.01 #1s

Commerce And Trade	FY 10-11	FY 11-12	
Department Of Mines, Minerals And Energy	(\$750,000)	(\$750,000)	GF

Language:

Page 62, after line 4

"112.01. Executive Management Savings	(\$750,000)	(\$750,000)	
Fund Sources: General	(\$750,000)	(\$750,000)."	

Explanation:

(This amendment reduces funding for the Department of Mines, Minerals and Energy by approximately seven percent from savings to be achieved through reducing administrative expenses and implementing efficiencies.)

Item 114 #1s

Commerce And Trade	FY 10-11	FY 11-12	
Virginia Economic Development Partnership	(\$704,417)	(\$697,997)	GF

Language:

Page 62, line 37, strike "\$15,870,751" and insert "\$15,166,334".

Page 62, line 37, strike "\$15,742,351" and insert "\$15,044,354".

Explanation:

(This amendment reduces funding for the Economic Development Partnership by approximately five percent from savings to be achieved through reducing administrative expenses and implementing efficiencies.)

Item 114 #2s

Commerce And Trade	FY 10-11	FY 11-12	
Virginia Economic Development Partnership	(\$1,054,095)	(\$729,095)	GF

Language:

Page 62, line 37, strike "\$15,870,751" and insert "\$14,816,656".
 Page 62, line 37, strike "\$15,742,351" and insert "\$15,013,256".
 Page 63, line 48, strike "\$1,379,095" and insert "\$325,000".
 Page 63, line 49, strike "\$1,379,095" and insert "\$650,000".

Explanation:

(This amendment provides funding for the Commercial Space Flight Authority, which is a new initiative, in the amount of \$325,000 GF the first year and \$650,000 GF the second year.)

Item 120 #3s

Commerce And Trade	
Virginia Tourism Authority	Language

Language:

Page 67, after line 14, insert:
 "M. Out of the amounts provided for Tourist Promotion Services, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the Virginia Association of Public Television and Radio to promote Virginia Tourism. These funds shall be used by the Association to leverage additional in-kind media providing promotion value of at least \$600,000 in each fiscal year."

Explanation:

(This amendment provides funding out of existing appropriations for Public Television and Radio promotion that must be matched by other in-kind promotions.)

Item 122 #1s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Secretary Of Education And Workforce	(\$2,645,816)	(\$2,645,816)	GF

Language:

Page 68, line 30, strike "\$2,645,816" and insert "\$0".

Page 68, line 30, strike "\$2,645,816" and insert "\$0".

Page 68, strike lines 29 through 51.

Page 69, strike lines 1 through 10.

Explanation:

(This amendment removes from the Office of the Secretary of Education funding for Public Broadcasting in Item 122. Companion amendments also remove funding in Item 123 and restore the funding to the Office of the Secretary of Administration.)

Item 123 #1s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Secretary Of Education And
Workforce

(\$2,221,336)

(\$2,221,336) GF

Language:

Page 69, line 12, strike "\$2,221,336" and insert "\$0".

Page 69, line 12, strike "\$2,221,336" and insert "\$0".

Explanation:

(This amendment removes from the Office of the Secretary of Education funding for Public Broadcasting in Item 123. Companion amendments remove funding in Item 122 and restore the funding to the Office of the Secretary of Administration.)

Item 125 #1s

**Education: Elementary &
Secondary**

Department Of Education, Central
Office Operations

Language

Language:

Page 71, after line 14, insert:

"D. The Department of Education shall collaborate with relevant stakeholders to evaluate the options presented in House Document 8 (2009) and determine which options, if any, are beneficial to pursue with respect to (1) enhancing the early intervention system for children with autism spectrum disorders by improving the

Part B special education services available to preschool-age children, and (2) improving the delivery of services to school-age children with autism spectrum disorders by increasing the consistency of service provision, enhancing its professional development programs, developing goals and objectives and monitoring progress, and improving transition services. The Department shall report its findings to the Department of Behavioral Health and Developmental Services no later than March 31, 2010."

Explanation:

(This amendment requires a report recommended by JLARC in its June 2009 study on services for children with autism spectrum disorders.)

Item 126 #1s

Education: Elementary & Secondary

Department Of Education, Central Office Operations

Language

Language:

Page 71, after line 26, insert:

"C. The State Board of Education shall review and make recommendations for eliminating any tests not required by No Child Left Behind or associated with verified credit requirements. The findings from this review, which shall include estimated savings, shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by August 1, 2010."

Explanation:

(This amendment is self-explanatory.)

Item 132 #1s

Education: Elementary & Secondary

Direct Aid To Public Education

Language

Language:

Page 88, line 26, strike "general fund" and insert "Lottery Proceeds Fund".

Page 95, line 16, strike "general fund" and insert "Lottery Proceeds Fund".

Page 95, line 36, strike "general fund" and insert "Lottery Proceeds Fund".

Page 95, line 49, strike "general fund" and insert "Lottery Proceeds Fund".
Page 96, line 13, strike "general fund" and insert "Lottery Proceeds Fund".
Page 97, line 8, strike "in the second year".

Explanation:

(This amendment is a technical change to correct fund source references for Regional Alternative Education, Special Education Instruction, Vocational Education Instruction, No Child Left Behind/ Education for a Lifetime (NCLB/EFAL), Individual Student Alternative Education (ISAEP) programs contained in Senate Bill 30.)

Item 132 #2s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 85, line 45, strike " technology" and insert:
"electronic media resources".

Page 85, line 45, after "curriculum" insert:
"and classroom instruction".

Page 85, line 46, strike "this technology" and insert:
"the electronic textbooks and electronic curriculum materials".

Explanation:

(This amendment clarifies new language contained in Senate Bill 30 concerning the use of textbook funding. This revision provides further instruction to school divisions on the purchase of computers using the flexibility provided with textbook funding. The language clarifies that, while large quantities of computers are discouraged, the purchase of computers for classroom use is allowable.)

Item 132 #3s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 81, after line 4, insert:

"g. To provide temporary flexibility, notwithstanding other requirements in this Item, if necessary, school divisions may staff at levels that are one higher, in the case of class size ratios, or one lower, in the case of FTEs per 1,000 students, than each of the minimum required staffing levels as currently set out in the Code of Virginia."

Explanation:

(This amendment provides temporary staffing flexibility for school divisions in light of general fund reductions to Direct Aid to localities to Public Education in the budget as introduced and in Chapter 781, 2009 Session and local revenue shortfalls.)

Item 132 #4s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 84, after line 1, insert:

"27. It is the intent of the General Assembly that JLARC include as part of its First Priority study, as resolved on December 14, 2009, on "Opportunities for Regional Cooperation in Government Services," information on consolidation of services between school divisions and local governments that have resulted in cost savings or improvement of services."

Explanation:

(This amendment is self-explanatory.)

Item 132 #5s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 88, line 8, strike "and shall submit in a format specified by the".

Page 88, strike lines 9 through 10.

Page 88, line 11, strike "data".

Page 89, strike lines 3 through 6.

Page 91, line 31, strike "The".

Page 91, strike lines 32 and 33.

Page 96, line 16, strike "The Department of Education shall".
Page 96, strike lines 17 through 20.

Explanation:

(This amendment removes the requirements for the following four reports as recommended by the Virginia Department of Education in its November 2009 report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees: 1) Individual Student Alternative Education Plan Report, 2) Plan and Report for Programs of Prevention, Intervention, and Remediation, 3) SOL Web-Based Technology Initiative, and 4) Status of Regional Alternative Education Placements.)

Item 132 #6s

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 86, after line 37, insert:

"1. Support positions include:

1. Executive policy and leadership positions, including school board members, superintendent, and assistant superintendent.
2. Fiscal and human resource positions, including fiscal and audit operations, human resources, and procurement.
3. Student support positions which include: Social work administrative positions; Guidance administrative positions not included in the SOQ; Homebound administrative positions supporting instruction; Attendance support positions related to truancy and drop-out prevention; Health and behavioral positions, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in the SOQ.
5. Technology professional positions not included in the SOQ.
6. Operational and maintenance positions, including facilities, pupil transportation positions; operation, and maintenance professional and service positions: security services, trades and laborer positions.
7. Technical and clerical positions, including fiscal and human resource technical/clerical, student support technical/clerical, instructional personnel support technical/clerical, operation and maintenance technical/clerical, administrative

technical/clerical, and technology technical/clerical positions.

8. School based clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students: clerical personnel in middle school, one full-time for and one additional full time for each 600 students beyond 200 students and one full-time for the library at 750 students: clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students.

School divisions may use the state and local funds for support services to provide additional instructional services.

The Department of Education shall make its calculation for the total cost of rebenchmarking for the fiscal year 2012-2014 biennium to be consistent with the following methodologies: (i) using the 'support position funding cap' methodology change contained in Chapter 781, 2009 Acts of Assembly; and (ii) using the rebenchmarking methodology which was contained within Chapter 879, from the 2008 Session. The Department of Education shall report the final calculations and related costs derived from each of these methodologies to the Governor, the Chairmen of House Appropriations and Senate Finance Committees, and the Board of Education prior to September 1, 2011."

Explanation:

(This amendment defines the categories of personnel that make up "support services" and permits school divisions to use funds for support services to provide additional instructional services, as recommended by the Board of Education in its October 30, 2009 Review of the Standards of Quality. In addition, this amendment requires the Department of Education to again calculate the cost of eliminating the support position funding cap in the process of calculating the cost of rebenchmarking for the 2012-14 biennium.)

Item 132 #7s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	\$116,477,529	\$115,199,561	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,697,300,310".
Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,895,681,138".

Page 99, after line 36, insert:

"34. Composite Index Hold Harmless

Out of this appropriation, \$116,477,529 the first year from the general fund and \$115,199,561 the second year from the general fund shall be used to provide hold harmless grants, for the loss in Senate Bill 30 (2010 Session) as introduced related to the change in the 2010-12 Composite Index of Local Ability-to-Pay, to the following school divisions as specified below.

	FY 2011	FY 2012
Albemarle	5,228,328	5,253,897
Amelia	322,339	317,028
Amherst	36,741	36,277
Appomattox	466,192	465,477
Augusta	699,708	687,136
Bedford	3,464,291	3,414,383
Bland	66,093	65,804
Botetourt	208,454	209,495
Brunswick	184,116	181,215
Buchanan	37,417	37,055
Buckingham	469,200	461,425
Campbell	743,808	734,129
Carroll	246,592	243,615
Charles City	23,966	23,522
Charlotte	413,981	415,023
Chesterfield	3,400,940	3,410,075
Craig	53,515	53,185
Cumberland	200,712	198,608
Dinwiddie	302,930	314,819
Essex	990,753	983,598
Floyd	322,395	322,217
Fluvanna	432,740	439,520
Franklin	592,335	589,576
Giles	118,743	117,628
Gloucester	873,212	872,420
Grayson	812,527	782,157

Greene	579,568	570,834
Greensville	107,609	105,978
Halifax	1,487,093	1,465,261
Hanover	742,523	730,950
Henrico	1,364,288	1,364,830
Henry	6,339	6,433
Highland	104,845	99,627
Isle Of Wight	774,454	774,768
James City	2,341,737	2,378,848
King Queen	306,206	293,786
King William	537,170	538,185
Lancaster	152,426	149,925
Lee	361,360	355,151
Lunenburg	190,732	185,646
Madison	394,686	391,364
Mathews	440,622	430,238
Mecklenburg	1,516,329	1,496,488
Middlesex	509,519	490,784
Montgomery	279,563	278,192
Nelson	25,073	24,189
New Kent	419,908	424,352
Northumberland	623,215	601,797
Nottoway	518,117	512,514
Patrick	63,166	62,141
Pittsylvania	896,895	895,403
Powhatan	460,520	461,156
Prince Edward	552,142	541,469
Prince George	654,594	692,509
Pulaski	401,954	388,839
Richmond	141,519	141,746
Roanoke	879,525	864,588
Rockbridge	534,184	514,368
Rockingham	1,951,995	1,946,450
Russell	75,886	75,237

Smyth	228,332	224,050
Southampton	638,140	639,826
Surry	214,805	207,913
Sussex	402,924	390,312
Tazewell	689,505	681,699
Wise	317,125	315,017
Wythe	544,678	536,579
York	635,502	628,440
Charlottesville	1,255,254	1,227,061
Colonial Heights	234,137	229,734
Danville	299,297	294,872
Galax	59,429	60,160
Hampton	4,487,996	4,423,227
Harrisonburg	90,053	91,663
Hopewell	111,285	113,200
Lynchburg	1,744,519	1,725,505
Martinsville	5,092	4,994
Newport News	4,653,892	4,574,377
Norfolk	8,941,063	8,749,622
Petersburg	728,893	704,582
Portsmouth	3,855,777	3,819,258
Radford	397,675	394,172
Richmond City	11,172,537	10,913,697
Roanoke City	1,417,437	1,413,351
Staunton	297,398	295,942
Suffolk	4,167,227	4,201,272
Virginia Beach	14,923,023	14,695,772
Waynesboro	498,989	496,217
Franklin City	337,534	332,565
Chesapeake City	11,086,597	11,012,654
Lexington	219,866	218,960
Emporia	14,337	14,674
Bedford City	79,741	76,301

Poquoson	494,990	481,028
West Point	124,690	127,535
TOTAL:	116,477,529	115,199,561

Explanation:

(This amendment adds \$116.5 million GF the first year and \$115.2 million GF the second year for a full "hold harmless" grant to all school divisions whose Composite Index of Local Ability-to-Pay increased from the 2008-10 biennium to the 2010-12 biennium. The amount of the hold harmless is determined as measured against SB 30 as introduced. In a companion amendment, \$29.5 million GF the first year is provided to "unfreeze" the Composite Index in the first year.)

Item 132 #8s

Education: Elementary & Secondary	FY 10-11	FY 11-12
Direct Aid To Public Education	\$29,468,132	\$0 GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,610,290,913".
Page 78, strike lines 23 through 28.

Explanation:

(This amendment adds a net \$29.5 million GF the first year by using the 2010-12 Composite Index of Local Ability-to-Pay for all school divisions to calculate the state's share of Direct Aid to Public Education funding, rather than using the 2008-10 Composite Index for an additional year as proposed in the introduced budget. For FY 2012, education funding is already based on the updated 2010-12 Composite Index in the introduced budget. In a companion amendment, funding is provided for a full "hold harmless" grant in both years for those school divisions whose Composite Index increase from the 2008-10 biennium to the 2010-12 biennium.)

Item 132 #9s

Education: Elementary & Secondary	FY 10-11	FY 11-12
Direct Aid To Public Education	\$0	\$10,704,564 GF

Language:

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,791,186,141".

Page 84, strike lines 22 through 25.

Page 84, after line 29, insert:

"3.1 Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$125,000,000 the first year and \$127,295,436 the second year."

Page 91, line 28, strike "and 2015" and insert "2015, and 2016."

Page 91, after line 28, insert:

"g. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$57,610,000 in fiscal year 2011 and \$57,792,000 in fiscal year 2012. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. By fiscal year 2011, high schools within the division shall administer 100 percent of SOL tests online; by fiscal year 2012, middle and high schools shall administer 100 percent of SOL tests online; and by fiscal year 2013, elementary, middle, and high schools shall administer 100 percent of SOL tests online. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.

2) The Board of Education shall authorize amounts estimated at \$10,704,564 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in fiscal year 2011.

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs in fiscal year 2011 and in fiscal year 2012. In developing the proposed 2012-14, 2014-2016, and 2016-2018 biennial budgets for public education, the Board of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2013, 2014, 2015, 2016, 2017, and 2018.

4) Grant funds from the issuance of \$57,610,000 in fiscal year 2011 and \$57,792,000 in fiscal year 2012 in equipment notes are based on a grant of \$26,000 per school and

\$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2010, for the fiscal year 2011 issuance, and September 30, 2011, for the fiscal year 2012 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.

5) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that administer SOL tests in Spring 2010 and that are not fully accredited based on school accreditation ratings in effect for fiscal year 2011 will qualify for a supplemental grant of \$26,000 per school in fiscal years 2011, 2012, and 2013. Schools that administer SOL tests in Spring 2011 and that are not fully accredited based on school accreditation ratings in effect for fiscal year 2012 will qualify for a supplemental grant of \$26,000 per school in fiscal years 2012, 2013, and 2014. Schools eligible to receive these three-year supplemental grants shall only receive them one time.

6) Required local match:

a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match shall be used for teacher training in the use of instructional technology. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The School for the Deaf and the Blind is exempt from the match requirement.

b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants of \$26,000 per school pursuant to paragraph g. 5) and where 100 percent of SOL tests are administered online in the schools receiving the supplemental grants shall give first priority to purchasing these technology-based interventions as well as teacher training in the use of the interventions from their required local match.

7) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.

8) Funds shall be used in the following manner:

a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.

b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.

c) School divisions shall be eligible to apply for and receive supplemental grants of \$26,000 per qualifying school pursuant to paragraph g. 5). These supplemental grants shall be used first for the purpose of developing and maintaining capacity to support 100 percent online SOL testing of all students in qualifying schools and helping the schools achieve full accreditation with the assistance of targeted technology-based interventions. Any purchase of technology-based interventions as described in paragraph g. 6) b) with supplemental grant funds must be qualifying expenses under the technology notes program. Eligibility for these funds requires divisions to submit an application and plan that includes goals, objectives, strategies, and a timeline for implementation. Division plans will be reviewed and approved by the Superintendent of Public Instruction prior to disbursement of the supplemental grant funds.

d) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

9) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program

and meet the goals of this program."

Explanation:

(This amendment reflects an additional \$10.7 million GF the second year due to debt service on the FY 2011 educational technology equipment notes to reinstate the issuance of an estimated \$57.6 million in FY 2011 and \$57.8 million in FY 2012 based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools include those that are subject to state accreditation and reporting membership in grades K through 12. Supplemental grants will be allocated to eligible divisions to support schools that are not fully accredited. The additional debt service payments required by the Literary Fund reduces by a like amount of dollars available to cover teacher retirement/social security costs, thereby requiring the additional general funds.)

Item 132 #10s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

\$3,942,340

\$4,025,584 GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,584,765,121".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,784,507,161".

Explanation:

(This amendment adds funding for a technical correction related to facilities non-personnel support, as submitted by the Governor as a technical Executive Amendment.)

Item 132 #11s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

\$1,419,620

\$1,935,292 GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,582,242,401".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,782,416,869".

Page 76, line 27, strike "\$32,750,549" and insert "\$34,170,169".
 Page 76, line 27, strike "\$34,058,499" and insert "\$35,993,791".
 Page 95, line 20, strike "\$32,750,549" and insert "\$34,170,169".
 Page 95, line 21, strike "\$34,058,499" and insert "\$35,993,791".

Explanation:

(This amendment restores \$1.4 million the first year and \$1.9 million the second year for educational services through "state operated programs" for children residing at the mental health facility proposed for closure in the introduced budget. There is a companion amendment in Item 309, under the Department of Behavioral Health and Developmental Services.)

Item 132 #12s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	\$581,176	\$581,174	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,581,403,957".
 Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,781,062,751".

Explanation:

(This amendment reflects the net impact of the increase in Sales Tax on Basic Aid as a result of Senate Bill 452. It is the intention of the General Assembly that the corresponding language change in Section 3-5.04 be made during enrolling.)

Item 132 #13s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	\$187,313	\$374,626	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,581,010,094".
 Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,780,856,203".
 Page 76, line 10, strike "\$13,920,266" and insert "\$14,107,579".
 Page 76, line 10, strike "\$14,371,298" and insert "\$14,745,924".

Explanation:

(This amendment adds funding in order to provide the state's share of per pupil funding for the new regional academic year Governor's School at Innovation Park to serve estimated enrollment of 90 students in FY 2011 and 180 students in FY 2012 from Prince William, Manassas Park, and Manassas City. The General Assembly provided planning money of \$100,000 in FY 2009.)

Item 132 #14s

**Education: Elementary &
Secondary**

	FY 10-11	FY 11-12	
Direct Aid To Public Education	(\$47,676,088)	(\$45,815,163)	GF
	\$5,000,000	\$5,000,000	NGF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,538,146,693".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,739,666,414".

Page 76, strike lines 2 and 3 and insert:

"English as a Second Language (General Fund)	\$14,984,317	\$16,233,472"
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Page 76, strike lines 35, 39, 41, 42, and 52.

Page 76, after line 51, insert:

"Virginia Preschool Initiative	\$67,608,635	\$68,301,153
School Breakfast Program	\$2,687,265	\$3,185,437
Support for School Construction and Operating Costs	\$13,124,905	\$5,400,344
Remedial Summer School	\$25,064,323	\$25,514,150
English as a Second Language (Lottery)	\$22,611,765	\$22,801,013
Total	\$435,200,000	\$435,200,000"

Page 89, line 12, strike "general fund" and insert "Lottery proceeds fund".

Page 92, line 14, strike "\$74,529,020" and insert "\$67,608,635".

Page 92, line 15, strike "\$74,405,901" and insert "\$68,301,153"

Page 95, line 7, after "fund" insert "and the Lottery proceeds fund".

Page 97, line 1, strike "\$35,068,636 the first year and \$31,974,591" and insert "\$13,124,905 the first year and \$5,400,344".

Page 98, line 45, strike "\$2,442,968 the first year and \$2,895,852" and insert "\$2,687,265 the first year and \$3,185,437".

Page 98, line 50, strike "\$0.20" and insert "\$0.22".

Explanation:

(This amendment reflects the following actions: 1) an increase in the Lottery

forecast of \$5 million each year due to the addition of the Powerball game, as recommended by the Lottery Board; 2) increasing the School Breakfast reimbursement by 10 percent from 20 cents per breakfast to 22 cents per breakfast, for an additional cost of \$244,297 the first year and \$289,585 the second year; 3) capturing \$7.9 million the first year and \$6.1 million the second year in non-participation savings from the Virginia Preschool Initiative for At-Risk Four-Year-Olds based on FY 2010 actual participation levels; and 4) reducing the "Support for School Construction and Operating Costs" from \$48.1 million to \$13.1 million the first year and from \$40.4 million to \$5.4 million the second year. Remedial Summer School and part of English as a Second Language will be funded from the Lottery proceeds rather than general funds; there are no other changes to these two programs other than the fund source.)

Item 132 #15s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	\$0	(\$1,572,321)	GF

Language:

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,778,909,256".

Explanation:

(This amendment reinstates the re-benchmarking update for inflation costs, to bring FY 2008 base year costs up to the beginning of the biennium, in the second year. Senate Bill 30 as introduced reduced funding by \$4.7 million each year by eliminating the routine re-benchmarking inflation adjustments. This amendment actually reflects some additional savings due to actions in other amendments affecting non-personal costs.)

Item 132 #16s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	(\$2,350,074)	(\$2,550,000)	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,578,472,707".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,777,931,577".

Page 84, strike lines 22 through 25.

Page 84, after line 29, insert:

"3.1 Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$127,350,074 the first year and \$140,550,000 the second year."

Page 91, line 19, strike "\$13,054,638" and insert "\$10,704,564".

Page 91, line 20, strike "\$13,055,000" and insert "\$10,505,000".

Explanation:

(This amendment reflects savings in debt service payments by extending the term of the FY 2010 VPSA technology grants issuance from 5 years to 6 years. Lower debt service payments required by the Literary Fund frees up a like amount of dollars to cover teacher retirement/social security, thereby freeing up the general funds.)

Item 132 #17s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

(\$13,000,000)

\$0 GF

\$13,000,000

\$0 NGF

Language:

Page 84, strike lines 22 through 25.

Page 84, after line 29, insert:

"3.1 Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$138,000,000 the first year and \$140,550,000 the second year."

Explanation:

(This amendment reflects an additional \$13.0 million NGF in Literary Fund balances as included in the Governor's February 17 budget reduction options. This allows an additional \$13.0 million in retirement/social security costs to be paid for with Literary Funds, freeing up a like amount of general funds.)

Item 132 #18s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	(\$8,700,175)	(\$8,790,845)	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,572,122,606".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,771,690,732".

Explanation:

(This amendment corrects the savings in the introduced budget related to the coding of expenditures of regional programs.)

Item 132 #19s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	(\$19,451,564)	(\$19,167,281)	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,561,371,217".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,761,314,296".

Explanation:

(This amendment reflects savings, as included in the February 17 Governor's suggested budget savings, from modifying the federal revenue deduct methodology for the SOQ funded support costs as a percentage of total SOQ costs.)

Item 132 #20s

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	(\$24,458,371)	(\$24,712,726)	GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,556,364,410".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,755,768,851".

Explanation:

(This amendment captures savings due to a technical correction to the combined Average Daily Membership used to calculate prevailing support costs funded in Basic Aid.)

Item 132 #21s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education (\$34,661,126) (\$34,823,222) GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,546,161,655".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,745,658,355".

Page 85, after line 33, insert:

"f. The Department of Education shall make its calculation for the total cost of rebenchmarking for the fiscal year 2012-2014 biennium to include expenditures for travel; leases and rentals; facilities; other benefits; certain replacement capital; and miscellaneous."

Explanation:

(This amendment reduces funding by \$34.7 million GF the first year and \$34.8 million GF the second year by eliminating travel; leases and rentals; and facilities expenditures from recognized SOQ costs, as recommended in the Governor's February 17 budget reduction options. In addition, as this reduction is intended to be temporary, the amendment requires the Department of Education to calculate the cost to restore these items as well as those expenditure costs eliminated in the budget as introduced in rebenchmarking for the 2012-14 biennium.)

Item 132 #22s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education (\$39,197,951) (\$39,525,220) GF

Language:

Page 75, line 12, strike "\$5,580,822,781" and insert "\$5,541,624,830".

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,740,956,357".

Explanation:

(This amendment captures savings by including \$0 values in the calculation of the Linear Weighted Average for support costs, as recommended by the Governor's February 17 budget reduction strategies.)

Item 132 #23s

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

\$0

(\$51,414,358) GF

Language:

Page 75, line 12, strike "\$5,780,481,577" and insert "\$5,729,067,219".

Page 85, line 35, strike "and \$51,414,358 the".

Page 85, line 36, strike "second year".

Page 85, line 37, strike "and \$75.55 the second year."

Page 86, after line 2, insert:

"6) For purposes of calculating rebenchmarking costs for textbooks for the 2014-16 biennium, the Department of Education shall include the higher of the fiscal year 2011 or fiscal year 2012 division-level textbook per pupil amount in calculating the base year statewide prevailing per pupil amount."

Explanation:

(This amendment defers funding for textbooks the second year only. In addition, since FY 2012 will form the base year for expenditures for the 2014-16 rebenchmarking, the Department of Education is instructed to use the higher of the FY 2011 or FY 2012 amounts.)

Item 137 #3s

Education: Higher Education

FY 10-11

FY 11-12

State Council Of Higher Education
For Virginia

\$0

(\$9,957,000) GF

Language:

Page 101, line 12, strike "\$66,102,745" and insert "\$56,145,745".

Page 101, line 36, after "and" strike "\$58,263,023" and insert "\$48,306,023"

Explanation:

(This amendment reduces the Tuition Assistance Program (TAG) funding in the second year by almost \$10.0 million GF.)

Item 139 #2s

Education: Higher Education

State Council Of Higher Education
For Virginia

Language

Language:

Page 106, following line 3, insert:

"M. No later than October 1, 2010, the State Council of Higher Education for Virginia shall establish guidelines to govern recommendations on the construction of student housing, student centers, and other auxiliary facilities at two-year institutions of higher education. In developing these guidelines the State Council shall not utilize previous authorizations as precedents."

Explanation:

(This amendment requires SCHEV to develop guidelines for the construction of auxiliary facilities by two-year institutions of higher education.)

Item 169 #1s

Education: Higher Education

Norfolk State University

FY 10-11

\$250,000

FY 11-12

\$250,000 GF

Language:

Page 118, line 8, strike "\$76,660,510" and insert "\$76,910,510".

Page 118, line 8, strike "\$69,000,291" and insert "\$69,250,291".

Explanation:

(This amendment provides \$250,000 GF in each year of the biennium for the Ph.D. program in Materials Science at NSU.)

Item 181 #1s

Education: Higher Education	FY 10-11	FY 11-12	
University Of Mary Washington	\$100,000	(\$100,000)	GF
	1.00	1.00	FTE

Language:

Page 124, line 8, strike "\$58,082,849" and insert "\$58,182,849".

Page 124, line 8, strike "\$53,263,772" and insert "\$53,163,772".

Explanation:

(This amendment moves \$100,000 GF from FY 2012 to FY 2011 and adds one FTE for operating support of the new Dahlgren Education and Research Center (DERC). DERC will serve as an anchor in the development of education and research partnerships between state higher education institutions and the adjacent Naval Support Facility - Dahlgren (NSFD).)

Item 220 #2s

Education: Higher Education

Virginia State University

Language

Language:

Page 146, line 12, strike "\$1,500,000" and insert "\$1,300,000".

Page 146, line 12, strike "\$1,500,000" and insert "\$1,300,000".

Explanation:

(This technical amendment corrects the embedded language reference for the general fund amount designated to support the Manufacturing Engineering and Logistics Technology program at Virginia State University.)

Item 227 #1s

Education: Other	FY 10-11	FY 11-12	
Jamestown-Yorktown Foundation	\$200,000	\$0	GF

Language:

Page 149, line 2, strike "\$14,864,935" and insert "\$15,064,935".

Explanation:

(This amendment adds funding for for fee-based public programming, for front-line wages for interpretive programming, costuming supplies and laundry, and exhibit and grounds maintenance, and for web content development, graphic design and Web support in FY 2011. This action would hold general fund reductions to the FY 2010 level and is intended to help maintain the generation of nongeneral fund revenues, which provide 59 percent of the agency's operating budget and bring tourism dollars to the area and state.)

Item 248 #1s

Finance

Department Of Accounts

Language

Language:

Page 159, following line 9, insert:

"C. Notwithstanding the provisions of Section 17.1-286 and 58.1-3176, the State Controller shall not make payments in accordance with Section 17.1-286 and 58.1-3176, which includes amount directly deposited into the State Treasury by the General District Courts, Juvenile and Domestic Relations General District Courts, Combined District Courts and the Magistrate System without a specific appropriation for such payments in Item 264. The State Controller after having deducted the direct deposits noted in the preceding sentence shall make the remainder of the payments in accordance Section 17.1-286 and 58.1-3176 to the respective clerk."

Explanation:

(This amendment is one of two that increase general fund deposits by \$8.7 million the first year and \$8.7 million the second year by requiring the direct deposit of state revenues with the Treasurer of Virginia, as recommended by the Auditor of Public Accounts. There is a companion amendment to Item 38 for the Supreme Court.)

Item 256 #1s

Finance

Department Of Accounts Transfer
Payments

FY 10-11

\$0

FY 11-12

(\$40,000,000) GF

Language:

Page 161, line 23, strike "\$40,000,000" and insert "\$0".

Page 161, strike lines 33 through 46 and insert:

"B. Pursuant to Article X, Section 8 of the Constitution of Virginia and § 2.2-1829 of the Code of Virginia, the Auditor of Public Accounts shall certify the required deposit to the Revenue Stabilization Fund attributable to actual tax collections for the fiscal year ending June 30, 2011, and the 2012 General Assembly shall take action consistent with the Auditor's certification."

Explanation:

(This amendment stipulates that the mandatory deposit to the Revenue Stabilization Fund will be made in accordance with Constitutional and statutory provisions, rather than being made a year early.)

Item 259.10 #1s

Finance	FY 10-11	FY 11-12	
Department Of Accounts Transfer Payments	\$950,000,000	\$950,000,000	GF

Language:

Page 163, following line 17, insert:

"259.10. Personal Property Tax Relief Program (74600)	\$950,000,000	\$950,000,000
Fund Sources: General	\$950,000,000	\$950,000,000."

Authority: Discretionary Inclusion.

A.1. Included in this Item is \$950,000,000 from the general fund in the first year and \$950,000,000 from the general fund in the second year to be used to implement a program which provides equitable tax relief from the personal property tax on vehicles.

2. The amounts appropriated in this Item provide for a local reimbursement level of 70 percent in tax years 2004 and 2005. The local reimbursement level for tax year 2006 is set at \$950.0 million pursuant Chapter 1 of the Acts of Assembly of 2004, Special Session I. Payments to localities with calendar year 2006 car tax payment due dates prior to July 1, 2006, shall not be reimbursed until after July 1, 2006, except as otherwise provided in paragraph E of this Item.

B. Any unexpended balance remaining in this Item as of June 30, 2008, and June 30, 2009, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the succeeding year. Any unexpended balance remaining in this Item on June 30, 2010, shall be carried forward on the books of the Comptroller and shall be available for expenditures in the next biennium, including without limitation for the purpose of providing reimbursement to localities for personal property tax

relief with respect to bills for tax year 2005 and earlier.

C. Notwithstanding the provisions of subsection B of § 58.1-3524, Code of Virginia, as amended by Chapter 1 of the Acts of Assembly of 2004, Special Session I, the determination of each county's, city's and town's share of the total funds available for reimbursement for personal property tax relief pursuant to that subsection shall be pro rata based upon the actual payments to such county, city or town pursuant to Chapter 35.1 of Title 58.1 of the Code of Virginia for tax year 2004 as compared to the actual payments to all counties, cities and towns pursuant to that chapter for tax year 2004, made with respect to reimbursement requests submitted on or before December 31, 2005, as certified in writing by the Auditor of Public Accounts not later than March 1, 2006. Notwithstanding the provisions of the second enactment of Chapter 1 of the Acts of Assembly of 2004, Special Session I, this paragraph shall become effective upon the effective date of this act.

D. The requirements of subsection C 2 of § 58.1-3524 and subsection E of § 58.1-3912, Code of Virginia, as amended by Chapter 1 of the Acts of Assembly, 2004 Special Session I, with respect to the establishment of tax rates for qualifying vehicles and the format of tax bills shall be deemed to have been satisfied if the locality provides by ordinance or resolution, or as part of its annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code of Virginia or the provisions of a local government charter or Chapter 4, 5, 6, 7 or 8 of Title 15.2 of the Code of Virginia, if applicable, specific criteria for the allocation of the Commonwealth's payments to such locality for tangible personal property tax relief among the owners of qualifying vehicles, and such locality's tax bills provide a general description of the criteria upon which relief has been allocated and set out, for each qualifying vehicle that is the subject of such bill, the specific dollar amount of relief so allocated.

E. The Secretary of Finance may authorize advance payment, from funds appropriated in this Item, of sums otherwise due a town on and after July 1, 2006, for personal property tax relief under the provisions of Chapter 1 of the Acts of Assembly, 2004 Special Session I, if the Secretary finds that such town (1) had a due date for tangible personal property taxes on qualified vehicles for tax year 2006 falling between January 1 and June 30, 2006, (2) had a due date for tangible personal property taxes on qualified vehicles for tax year 2004 falling between January 1 and June 30, 2004, (3) received reimbursements pursuant to the provisions of Chapter 35.1 of Title 58.1 of the Code of Virginia between January 1 and June 30, 2004, (4) utilizes the cash method of accounting, and (5) would suffer fiscal hardship in the absence of such advance payment.

F. It is the intention of the General Assembly that reimbursements to counties, cities and towns that had a billing date for tax year 2004 tangible personal property taxes

with respect to qualifying vehicles falling between January 1 and June 30, 2004, and received personal property tax relief reimbursement with respect to tax year 2004 from the Commonwealth between January 1 and June 30, 2004, pursuant to the provisions of Chapter 35.1 of Title 58.1 of the Code of Virginia as it existed prior to the amendments effected by Chapter 1 of the Acts of Assembly, 2004 Special Session I, be made by the Commonwealth with respect to sums attributable to such spring billing dates not later than August 15 of each fiscal year. "

Explanation:

(This amendment provides \$950.0 million GF the first year and \$950.0 million GF the second year to continue the Personal Property Tax Relief program.)

Item 262 #2s

Finance

Department Of Taxation

Language

Language:

Page 166, following line 51, insert:

"J. The Department of Taxation is hereby appropriated revenues not to exceed \$252,000 the first year and \$55,000 the second year from the wireless E-911 fee imposed pursuant to §56-484.17:1, Code of Virginia, to recover the direct cost of administration incurred by the Department of Taxation in implementing and collecting such fee."

Explanation:

(This amendment provides for the recovery of a fee by the Department of Taxation for administration of the E-911 fee.)

Item 264.10 #1s

Finance

Department Of Taxation

FY 10-11
(\$2,440,000)

FY 11-12
(\$1,744,400) GF

Language:

Page 167, following line 31, insert

"264.10. Management Savings

(\$2,440,000)

(\$1,744,400)

Fund Sources: General

(\$2,440,000)

(\$1,744,400)."

Explanation:

(This amendment captures savings of \$2.4 million GF the first year and \$1.8 million GF the second year from administrative savings.)

Item 265 #1s

Finance

Department Of The Treasury

FY 10-11
(\$300,000)

FY 11-12
(\$300,000) GF

Language:

Explanation:

(This amendment captures savings of \$300,000 GF the first year and \$300,000 GF the second year from SCC banking fees.)

Item 271 #1s

Finance

Treasury Board

Language

Language:

Page 172, following line 31, insert:

"Prince William/Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations \$31,519,905."

Page 172, line 32, strike "177,469,988" and insert "208,989,893".

Page 172, following line 40, insert:

"d. Subject to the approval of the Board of Corrections of the final expenditures for the Prince William/Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations), the state share of the approved capital cost for this project shall not exceed \$31,519,905."

Explanation:

(This amendment adds the Phase I addition to the Prince William/Manassas Regional Adult Detention Center to the list of projects approved for reimbursement for the state share of the capital cost for the project.)

Item 271 #2s

Finance

Treasury Board

Language

Language:

Page 172, following line 31, insert:

"Rappahannock-Shenandoah-Warren Regional Jail \$32,840,850."

Page 172, line 32, strike "177,469,988" and insert "210,310,838".

Page 172, line 37, following "\$875,294.", insert:

"The Commonwealth's share of the total cost of construction for the Rappahannock-Shenandoah-Warren Regional Jail shall not exceed \$32,840,850."

Explanation:

(This amendment adds the Rappahannock-Shenandoah-Warren Regional Jail to the list of projects approved for reimbursement for the state share of the capital cost for the project.)

Item 271 #5s

Finance

Treasury Board

FY 10-11
(\$149,092)
\$149,092

FY 11-12
(\$149,092) GF
\$149,092 NGF

Language:

- Page 173, line 18, strike "\$1,124,340" in each column and insert "\$1,156,152"
- Page 173, line 19, strike "\$565,155" in each column and insert "\$555,060"
- Page 173, line 20, strike "\$2,830,205" in each column and insert "\$2,844,295"
- Page 173, line 21, strike "\$2,600,180" in each column and insert "\$2,723,010"
- Page 173, line 22, strike "\$1,237,060" in each column and insert "\$1,236,240"
- Page 173, line 23, strike "\$769,745" in each column and insert "\$809,255"
- Page 173, line 24, strike "\$57,130" in each column and insert "\$67,860"
- Page 173, line 25, strike "\$26,960" in each column and insert "\$23,405"
- Page 173, line 26, strike "\$1,569,990" in each column and insert "\$1,620,570"
- Page 173, line 27, strike "\$286,560" in each column and insert "\$289,070"
- Page 173, line 28, strike "\$76,210" in each column and insert "\$78,940"
- Page 173, line 29, strike "\$292,450" in each column and insert "\$281,990"
- Page 173, line 30, strike "\$205,840" in each column and insert "\$202,980"
- Page 173, line 31, strike "\$191,055" in each column and insert "\$194,745"
- Page 173, line 32, strike "\$405,790" in each column and insert "\$499,990"
- Page 173, line 33, strike "\$3,440" in each column and insert "\$3,820"

Page 173, line 34, strike "\$1,753,660" in each column and insert "\$1,557,480"
 Page 173, line 35, strike "\$13,995,770" in each column and insert "\$14,144,862"

Explanation:

(This amendment updates the capital fee paid by out-of-state students to support debt service on bonds with the most current data on out-of-state student credit hours per institution.)

Item 271 #6s

Finance	FY 10-11	FY 11-12	
Treasury Board	\$0	(\$18,215,144)	GF
	\$0	\$18,215,144	NGF

Language:

Page 173, after line 35, insert:

"4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to in-state students at institutions of higher education shall be paid to the Virginia College Building Authority in FY 2012 for debt service on bonds issued under the 21st Century Program.

Institution	FY 2012
George Mason University	\$ 1,386,120
Old Dominion University	\$ 1,165,038
University of Virginia	\$ 1,004,789
Virginia Polytechnic and State University	\$ 1,551,888
Virginia Commonwealth University	\$ 1,692,693
College of William and Mary	\$ 362,690
Christopher Newport University	\$ 334,145
University of Virginia's College at Wise	\$ 117,963
James Madison University	\$ 943,473
Norfolk State University	\$ 319,695
Longwood University	\$ 305,163
University of Mary Washington	\$ 269,855
Radford University	\$ 603,158
Virginia Military Institute	\$ 73,823
Virginia State University	\$ 248,938
Richard Bland College	\$ 82,150

Virginia Community College System	\$ 7,753,568
TOTAL	\$ 18,215,144 "

Line 36, strike "4" and insert "5".
Line 41, strike "5" and insert "6".

Explanation:

(This amendment creates an in-state capital fee based on \$2.50 per in-state student credit hour at each institution. The amendment captures savings of \$18.2 million from the general fund in the second year.)

Item 273 #1s

Health And Human Resources

Secretary Of Health And Human
Resources

Language

Language:

Page 176, strike lines 7 through 14 and insert:

"A. Out of this appropriation, \$900,000 from the general fund each year shall be used to sustain statewide services provided through child advocacy centers. The Secretary, with assistance from relevant Health and Human Resources agencies, shall (i) develop a request for proposal to distribute 67 percent of the allocated funds for accredited child advocacy centers and 30 percent for associate/developing child advocacy centers, as recognized and in good standing with the National Children's Alliance, with input from Children's Advocacy Centers of Virginia (CACVA); (ii) allocate through contract three percent to Children's Advocacy Centers of Virginia, the recognized chapter of National Children's Alliance for Virginia's child advocacy centers, for the purpose of assisting and supporting the development, continuation and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers; and shall (iii) distribute any non-allocated funding equally to accredited and associate/developing child advocacy centers awarded funding in section (i) of this paragraph."

Explanation:

(This amendment adds language allocating funding for child advocacy centers between accredited centers and developing centers. Funding is also allocated to Children's Advocacy Centers of Virginia, the recognized chapter of National Children's Alliance for Virginia's child advocacy centers to assist and support child advocacy centers.)

Health And Human Resources

Secretary Of Health And Human
Resources

Language

Language:

Page 176, after line 49, insert:

"D. The Secretary of Health and Human Resources, with the cooperation of the Department of Social Services, shall examine options and incentives for workload simplification, structure and efficiencies of the local human services delivery system, which may include public/private partnerships, shared services, and regional services. The Secretary shall communicate his findings to the Governor's Commission on Government Reform and Restructure established by Executive Order 2 (2010) and the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2010."

Explanation:

(This language amendment requires the Secretary of Health and Human Resources to examine options and incentives for workload efficiencies and report his findings to the Governor's Commission on Government Reform and Restructure and the Chairmen of the Senate Finance and House Appropriations Committees.)

Health And Human Resources

Secretary Of Health And Human
Resources

Language

Language:

Page 176, after line 49, insert:

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

report this information."

Explanation:

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

Item 273 #4s

Health And Human Resources

Secretary Of Health And Human
Resources

Language

Language:

Page 176, after line 49, insert:

"D. "At least thirty days prior to issuing federal grant awards to advance health information technology and to help physicians acquire and adopt electronic health records, the Secretary of Health and Human Resources shall report to the Chairmen of the Senate Finance and House Appropriations Committees the plan to distribute these funds. In developing criteria to distribute grant funding, the Secretary shall (i) provide enhanced payments to physicians or other eligible practitioners that currently serve a disproportionate share of Medicaid and FAMIS enrollees and (ii) develop incentives to increase the participation of physicians or other eligible practitioners in Medicaid and FAMIS."

Explanation:

(This language amendment requires the Secretary of Health and Human Resources to report to the General Assembly the plan to distribute \$24 million in federal funds to advance health information technology and \$12.4 million to help physicians acquire and adopt electronic health records at least 30 days prior to awarding these funds.)

Item 274 #1s

Health And Human Resources

Comprehensive Services For
At-Risk Youth And Families

Language

Language:

Page 179, line 19, after the period, insert:

"Within the limits of this appropriation, the local match rate for participating localities shall be the lowest match rate of all participating localities when a locality partners with two or more contiguous communities to establish community-based services."

Explanation:

(This amendment adds budget neutral language allowing for the reduction in the match rate that localities must pay for CSA services at the lowest match rate for participating localities when two or more contiguous communities join efforts to establish community-based services.)

Item 274 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Comprehensive Services For At-Risk Youth And Families	(\$2,000,000)	(\$4,000,000)	GF

Language:

Page 177, line 3, strike "\$331,843,220" and insert "\$329,843,220".

Page 177, line 3, strike "\$330,608,613" and insert "\$326,608,613".

Page 179, line 25, strike "The local match rate for all".

Page 179, strike line 26.

Page 179, line 27, strike "2008." and insert:

"Beginning January 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base."

Explanation:

(This amendment increases the local share of Medicaid-funded residential services provided under CSA similar to non-Medicaid residential services, resulting in savings to the state.)

Item 275 #1s

Health And Human Resources	
Department For The Aging	Language

Language:

Page 182, after line 15, insert:

"P. The Virginia Department for the Aging, in collaboration with the 18 Area Agencies on Aging (AAAs) that are authorized to use funding for the Care Coordination for Elderly Program, shall examine and analyze existing state and national care coordination models to determine best practice models. Any AAA that receives funding for care coordination may submit a plan describing the model of care coordination to be implemented and shall work with the Department to ensure that the plan embraces best practices, integrates its other service delivery systems and includes sufficient measures for evaluation. The Department and designated AAAs shall determine which models of service delivery are appropriate and demonstrate beneficial use of these funds and develop the accompanying service standards."

Explanation:

(This language amendment requires the Department to work with 18 Area Agencies on Aging that receive funding for care coordination to determine the best models to use in the Commonwealth for care coordination. Allows AAAs to submit a plan describing the model of care coordination to be used and requires them to work with the Department to ensure that the plan embraces best practices, works with other service delivery systems and includes evaluation measures. The Department and designated AAAs are required to determine which models of service delivery are appropriate and demonstrate beneficial use of these funds.)

Item 275 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Department For The Aging	(\$57,089)	(\$57,089)	GF

Language:

- Page 180, line 48, strike "\$28,902,375" and insert "\$28,845,286".
- Page 180, line 48, strike "\$28,902,375" and insert "\$28,845,286".
- Page 182, strike lines 13 through 15.

Explanation:

(This amendment eliminates \$57,089 GF each year for the Bedford Ride program operated by the Central Virginia Area Agency on Aging.)

Item 275 #3s

Health And Human Resources	FY 10-11	FY 11-12	
Department For The Aging	(\$337,250)	(\$337,250)	GF

Language:

Page 180, line 48, strike "\$28,902,375" and insert "\$28,565,125".

Page 180, line 48, strike "\$28,902,375" and insert "\$28,565,125".

Explanation:

(This amendment reduces \$337,250 from the general fund each year for care coordination services provided to the elderly.)

Item 281 #1s

Health And Human Resources

FY 10-11

FY 11-12

Department Of Health

\$452,723

\$452,723 NGF

Language:

Page 184, line 20, strike "\$36,447,065" and insert "\$36,899,788".

Page 184, line 20, strike "\$36,447,065" and insert "\$36,899,788".

Page 184, line 35, strike "1."

Page 184, line 35, strike the first "2,645,375" and insert "3,098,098".

Page 184, line 35, strike the second "2,645,375" and insert "3,098,098".

Page 184, line 36, strike "Virginia Rescue Squad Assistance Fund" and insert: "special emergency medical services fund".

Page 184, strike lines 38 through 42.

Explanation:

(This amendment transfers an additional \$452,723 NGF each year to the Department of State Police for med-flight operations. The introduced budget transferred \$1.6 million each year from the Rescue Squad Assistance Fund (RSAF) to the State Police for med-flight. This amendment deletes the transfer from the RSAF and proposes the transfer from the special emergency medical services fund. A separate amendment to Item 3-6.03 (Annual Vehicle Registration Fee) increases the annual vehicle registration fee known as \$4 for Life from \$4.25 to \$6.25. The additional \$2.00 fee is expected to generate \$12.6 million annually. Of the increase, \$2.1 million is being transferred to the Department of State Police for med-flight operations, \$1.6 million to replace funding that was coming from the RSAF and the additional \$452,723 included herein. A separate amendment to Item 3-1.01 (Interfund Transfers) transfers \$10.5 million each year to the general fund during the 2010-12 biennium.)

Item 283 #2s

Health And Human Resources

Department Of Health

Language

Language:

Page 185, line 24, after "B." insert "1."

Page 185, after line 26, insert:

"2. Notwithstanding § 32.1-273.1, Code of Virginia, \$518,421 from the Vital Statistics Automation Fund shall be used to supplant general fund support from the Communicable Disease Prevention and Control Program."

Explanation:

(This technical amendment reinstates language continuing the supplanting of general fund appropriation with nongeneral funds from the Vital Statistics Automation Fund.)

Item 284 #2s

Health And Human Resources

Department Of Health

Language

Language:

Page 186, strike lines 11 through 31.

Explanation:

(This technical amendment deletes the new fee structure for the Office of Licensure and Certification. The fee structure was inadvertently included in the wrong item in the introduced budget.)

Item 285 #1s

Health And Human Resources

Department Of Health

FY 10-11

\$35,000

FY 11-12

\$35,000 GF

Language:

Page 186, line 32, strike "\$12,790,228" and insert "\$12,825,228".

Page 186, line 32, strike "\$12,790,228" and insert "\$12,825,228".

Explanation:

(This amendment restores funding for sickle cell services provided through the Department of Health. Funding was reduced in the introduced budget.)

Item 285 #2s

Health And Human Resources

Department Of Health

Language

Language:

Page 187, after line 17, insert:

"E. The Commissioner of Health shall not approve any Certificate of Public Need requests for additional psychiatric hospital beds in response to a Request for Applications issued for beds in Planning District 8. The Northern Virginia Regional partnership, established by the Department of Behavioral Health and Developmental Services, in coordination with the Department of Health, shall revise and amend its plan for mental health services, including public and private inpatient hospital beds, crisis stabilization and other non-hospital beds, partial hospitalization services, and community based acute care services. The plan shall address needs for detentions and commitments. The plan shall be provided to the Secretary of Health and Human Resources, who shall provide it, along with any additional information, to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2010."

Explanation:

(This amendment adds language prohibiting the Commissioner of Health from approving any psychiatric hospital beds requested through a Certificate of Public Need in Planning District 8 in Northern Virginia. It also requires the Northern Virginia Regional Partnership to develop a revised plan for mental health services and submit it to the Secretary of Health and Human Resources, who in turn will submit it to the Governor and chairmen of the money committees.)

Item 285 #3s

Health And Human Resources

Department Of Health

FY 10-11
(\$152,800)

FY 11-12
(\$182,400) GF

Language:

Page 186, line 32, strike "\$12,790,228" and insert "\$12,637,428".

Page 186, line 32, strike "\$12,790,228" and insert "\$12,607,828".

Explanation:

(This amendment reduces funding for various administrative activities within the Office of Minority Health and Public Health Policy including administration and oversight of scholarship programs, healthcare workforce management, information technology support and program support technician. This recommendation was included in the Governor's February 17 budget reduction strategies.)

Item 285 #4s

Health And Human Resources

Department Of Health

Language

Language:

Page 187, after line 17, insert:

"E. Effective July 1, 2010, the schedule of fees for applications for certificates of public need (COPN) shall not be less than \$1,000 nor exceed the lesser of one percent of the proposed expenditure for the project or \$50,000. Such fees shall be divided equally between the Department of Health and regional health planning agencies (RHPAs), with the allocation among the regional health planning agencies based on population. If any region does not have a designated RHPA for any period of time, the Department of Health shall retain the fees that would have been distributed to the RHPA."

Explanation:

(This language amendment restricts COPN application fees to \$1,000 or the lesser of one percent of the project expenditures not to exceed \$50,000.)

Item 285 #6s

Health And Human Resources

Department Of Health

Language

Language:

Page 187, after line 17, insert:

"E. 1. Notwithstanding §§ 32.1-130, 32.1-162.3, and 32.1-162.9, Code of Virginia, effective July 1, 2010, the Office of Licensure and Certification shall require every applicant for licensure to pay the following nonrefundable fees or such fees as may be subsequently revised by the Board of Health through regulation:

- a. A fee of \$350.00 for initial licensure and each annual renewal plus an additional \$2.00 per bed for each inpatient hospital.
 - b. A fee of \$700.00 for initial licensure and each annual renewal for each outpatient surgical center.
 - c. A fee of \$950.00 for initial licensure and each annual renewal plus an additional \$8.00 per bed for each nursing facility.
 - d. A fee of \$650.00 for initial licensure and each annual renewal for each hospice program.
 - e. A fee of \$650.00 for initial licensure and each annual renewal for each hospice facility.
 - f. A fee of \$650.00 for initial licensure and each annual renewal for each home care organization.
 - g. A late fee of \$50.00 shall be charged for each failure to file a renewal application by the date specified for each hospice program, hospice facility, and home care organization.
 - h. A processing fee of \$325.00 shall be charged for each re-issuance or replacement license for each hospice program, hospice facility, and home care organization.
 - i. A one-time processing fee of \$75.00 for home care organizations who move from state licensure to federal certification status.
2. Funds received pursuant to paragraph E.1. shall be used only for the operation of the licensure and inspection program."

Explanation:

(This technical amendment moves the revised Office of Licensure and Certification fee schedule to the correct item and clarifies language previously included.)

Item 286 #1s

Health And Human Resources

Department Of Health

Language

Language:

- Page 187, strike lines 33 through 37.
- Page 187, line 38, strike "B." and insert "A."
- Page 187, line 42, strike "C." and insert "B."
- Page 187, line 47, strike "D." and insert "C."
- Page 187, line 49, strike "E." and insert "D."
- Page 188, line 3, strike "F." and insert "E."

Explanation:

(This technical amendment deletes language providing general funds to the Resource Mothers Program. The general fund appropriation for the program was eliminated in the introduced budget.)

Item 287 #1s

Health And Human Resources

Department Of Health

Language

Language:

Page 189, after line 26, insert:

"E. Beginning July 1, 2010, local governing bodies are hereby authorized to charge a restaurant reinspection fee in instances when health district staff must reinspect a restaurant following a failed inspection. All of the funds generated by the fee shall be retained by the locality and utilized as part of its required local match for health services."

Explanation:

(This language amendment allows localities to impose a local restaurant reinspection fee for follow-up inspections resulting from failed inspections. Funds generated by the fee are to be used as the local match for health department services.)

Item 287 #3s

Health And Human Resources

Department Of Health

Language

Language:

Page 188, line 45, after "of" insert "no".

Page 188, line 49, before the period, insert:

"for an onsite sewage system designed for less than 1,000 gallons per day when the application is supported with certified work from a licensed onsite soil evaluator".

Explanation:

(This technical amendment corrects language for the Office of Environmental Health Services fee schedule that was included in the introduced budget.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	(\$2,274,924)	(\$2,274,924)	GF

Language:

Page 188, line 15, strike "\$236,688,089" and insert "\$234,413,165".

Page 188, line 15, strike "\$236,387,600" and insert "\$234,112,676".

Page 189, line 16, after the period, insert:

"Notwithstanding any other law to the contrary, all revenues collected under this provision shall be used to fund community health services during the 2010-12 biennium."

Explanation:

(This amendment supplants state funding for community health services with revenue generated from fee increases on restaurants, hotels, camps and campgrounds. The introduced budget directed 62 percent of the increased revenues to supplant funding for the Office of Community Health Services with 38 percent being allocated to localities. This amendment directs that all of the fee revenue during the 2010-12 biennium be used to supplant the Office's operations.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	\$408,057	\$408,057	GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,692,390".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,692,390".

Page 191, line 12, strike the first "3,672,514" and insert "4,080,571".

Page 191, line 12, strike the second "3,672,514" and insert "4,080,571".

Explanation:

(This amendment restores \$408,057 from the general fund each year for the Virginia Health Care Foundation. Funding was reduced by ten percent in the introduced budget. A further reduction of 25 and 50 percent was proposed for FY 2011 and FY 2012 respectively in the Governor's budget reduction strategies announced on February 17, 2010. The Foundation provides funding to community-based organizations to increase access to health care and dental services.)

Item 288 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	\$319,640	\$319,640	GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,603,973".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,603,973".

Page 190, line 46, strike the first "1,380,360" and insert "1,750,000".

Page 190, line 46, strike the first "1,380,360" and insert "1,750,000".

Explanation:

(This amendment restores \$319,640 GF each year for free clinics that was reduced by ten percent in the introduced budget. A further reduction of 25 and 50 percent was proposed for FY 2011 and FY 2012 respectively in the Governor's budget reduction strategies announced on February 17, 2010.)

Item 288 #3s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	\$240,875	\$240,875	GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,525,208".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,525,208".

Page 190, line 24, strike the first "1,559,125" and insert "1,800,000".

Page 190, line 24, strike the second "1,559,125" and insert "1,800,000".

Explanation:

(This amendment restores \$240,875 each year from the general fund for Community and Migrant Health Centers which was reduced in the introduced budget by ten percent. A further reduction of 25 and 50 percent was proposed for FY 2011 and FY 2012 respectively in the Governor's budget reduction strategies announced on February 17, 2010.)

Item 288 #4s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	(\$191,250)	(\$191,250)	GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,093,083".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,093,083".

Page 192, strike lines 31 and 32 and re-letter the remaining paragraphs.

Explanation:

(This amendment eliminates funding for the Patient Advocate Foundation, a non-state agency that began receiving general fund support in 2008.)

Item 288 #5s

Health And Human Resources

FY 10-11

FY 11-12

Department Of Health

(\$76,500)

(\$76,500) GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,207,833".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,207,833".

Page 192, strike lines 29 and 30 and re-letter the remaining paragraphs.

Explanation:

(This amendment eliminates funding for Bedford Hospice House, Inc., a non-state agency that began receiving general fund support in 2008.)

Item 288 #6s

Health And Human Resources

FY 10-11

FY 11-12

Department Of Health

(\$63,750)

(\$63,750) GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,220,583".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,220,583".

Page 192, strike lines 14 through 18 and re-letter the remaining paragraphs.

Explanation:

(This amendment removes \$63,750 from the general fund each year for a pilot project that is designed to expand access to prenatal and obstetrical care for women in rural communities. One-time funding was provided in FY 2010 to allow the community additional time to provide local support for the certified nurse midwife to continue the pilot project. Funding should have been removed in the introduced budget.)

Item 288 #7s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Health	\$13,500	\$13,500	GF

Language:

Page 189, line 28, strike "\$13,284,333" and insert "\$13,297,833".

Page 189, line 28, strike "\$13,284,333" and insert "\$13,297,833".

Page 192, line 19, strike the first "76,500" and insert "90,000".

Page 192, line 19, strike the second "76,500" and insert "90,000".

Explanation:

(This amendment restores \$13,500 from the general fund each year for community-based organizations that provide patient assistance, education, and family support for individuals suffering from sickle cell disease.)

Item 296 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$1,979,124	(\$1,995,437)	GF
Services	(\$1,979,124)	\$1,995,437	NGF

Language:

Page 196, line 48, strike "\$1,979,124 the first year and".

Page 196, line 48, strike "2,004,563" and insert "4,000,000".

Explanation:

(This amendment restores \$2.0 million GF and eliminates \$2.0 million NGF the first year and reduces \$2.0 million GF and increases \$2.0 million NGF to the Virginia Health Care Fund (VHCF) the second year. The introduced budget proposed the transfer of \$2.0 million annually from the Virginia Tobacco Settlement Foundation to the Virginia Health Care Fund to supplant general fund support for FAMIS. This amendment proposes the transfer of funds from the VTSF to the VHCF in the second year only. Separate amendments to Items 297 and 468 reflect these changes.)

Item 296 #2s

Health And Human Resources

Language:

Page 196, after line 49, insert:

"L. The Department of Medical Assistance Services is directed to develop enrollment and retention provisions, consistent with those outlined in Section 104 of the Children's Health Insurance Program (CHIP) Reauthorization Act of 2009, P.L. 111-3, and implement provisions determined to be budget-neutral, cost-effective or that would lead to an award of a CHIP performance bonus."

Explanation:

(This language amendment, submitted by the Joint Commission on Health Care, requires the Department to develop budget-neutral, cost-effective enrollment and retention provisions consistent with federal law that may lead to a performance bonus under the Children's Health Insurance Program.)

Item 297 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance Services	\$0	(\$829,784)	GF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,271,575,246".

Page 209, line 15, strike "based on", and insert:

". DMAS shall solicit input from patient advocacy groups and Virginia-based providers including: (i) the impact on quality of patient care, (ii) the impact on product accessibility by Medicaid recipients, (iii) the likelihood that competitive bidding will result in savings, (iv) the expense of designing, conducting and properly managing the competitive bidding process, and (v) the impact on Virginia companies and employers. This analysis shall also include a review of other states' experience with the imposition of competitive bidding requirements for incontinence supplies. The director of DMAS shall report the findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2010."

Explanation:

(This amendment includes an estimate of general fund savings the second year that was not included in the introduced budget. Language is also added to solicit input from providers of durable medical equipment to better understand the

implications of initiating a competitive bidding process for reimbursement of DME incontinence supplies.)

Item 297 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$989,396	\$1,119,227	GF
Services	\$1,248,551	\$1,119,227	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,808,564,106".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,274,643,484".

Page 200, after line 7, insert:

"7. The Department of Medical Assistance Services shall (i) exempt antidepressant, antianxiety and antipsychotic medications used for the treatment of mental illness from the Medicaid Preferred Drug List program; (ii) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (iii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels. When such patterns are identified, the department shall notify the Medical Director for the Department of Behavioral Health and Developmental Services who may require a peer-to-peer consultation with the target prescribers, in coordination with the Department of Medical Assistance Services. Alternatives discussed during peer-to-peer consultations may be based upon: (i) evidence-based criteria available regarding efficacy or safety of the covered treatments; (ii) policy approval by the Drug Utilization Review Board; and/or (iii) FDA approved indications and dosage levels. However, the target prescriber has final decision-making authority to determine which behavioral health medications to prescribe or refill."

Page 200, line 8, strike "7." and insert "8."

Explanation:

(This amendment adds language to continue the current exemption of antidepressant, antianxiety and antipsychotic medications used to treat mental illness

from the Medicaid Preferred Drug List. Funding is also restored that was reduced in the introduced budget from the estimated savings of including these medications in the Medicaid Preferred Drug List program. Language is added requiring the Department of Medical Assistance Services to continue to review utilization of these medications and ensure appropriate use and dosage requirements are followed. If negative prescribing patterns are detected, the department is required to notify the medical director of the Department of Behavioral Health and Developmental Services who may require peer consultation with the prescriber. However, the language does not preempt the authority of the prescriber from determining which medication to prescribe or refill.)

Item 297 #3s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$449,298	\$0	GF
Services	\$566,983	\$0	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,807,342,440".

Page 206, line 11, after "AAA." insert "1".

Page 206, line 11, strike "2010" and insert "2011".

Page 206, line 12, before the period, insert:

"To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective."

Page 206, line 12, delete "The" and insert:

"2. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to".

Page 206, line 13, strike "department shall also".

Explanation:

(This amendment restores \$449,298 GF and \$566,983 NGF from federal Medicaid matching funds the first year to delay elimination of the incentive plan for long-stay hospitals until the second year of the biennium. The introduced budget proposed to eliminate the incentive plan for long-stay hospitals in each year. Language is also added to restore funding for long-stay hospitals the second year if Congress enacts legislation to extend enhanced federal Medicaid funding.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$430,950	\$0	GF
Services	\$543,830	\$0	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,807,300,939".

Page 208, line 20, strike "2010" and insert "2011".

Page 208, line 21, after the period, insert:

"The department shall review available data from other state Medicaid programs that have recently eliminated coverage of podiatry services and evaluate the impact on other Medicaid costs of eliminating this service. The department shall report its findings no later than November 15, 2010 to the Chairmen of the House Appropriations and Senate Finance Committees."

Explanation:

(This amendment restores \$430,950 GF and \$543,830 NGF the first year from federal Medicaid matching funds to delay a proposal to eliminate Medicaid coverage of podiatry services that was included in the introduced budget. Language is also added requiring the Department to evaluate the impact on other Medicaid services of eliminating coverage of podiatry services.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$11,123,331)	(\$11,123,331)	GF
Services	\$11,123,331	\$11,123,331	NGF

Language:

Page 201, line 7, strike "292,001,874" and insert "303,125,205".

Page 201, line 8, strike "294,242,812" and insert "305,366,143".

Page 201, line 19, strike "290,022,750" and insert "301,146,081".

Page 201, line 19, strike "292,238,249" and insert "303,361,580".

Explanation:

(This amendment increases anticipated revenues to the Virginia Health Care Fund (VHCF) by \$11.1 million each year. The introduced budget reduced anticipated revenues to the Fund assuming an increase in the federal tax on cigarettes imposed in April 2009 would have a negative effect on cigarette tax collections. Collections

from July through December 2009, however, did not show signs that revenues are declining. Revenues in the Fund are used as the state's general fund match for Medicaid. If revenues to the Fund increase, the general fund commitment to Medicaid is reduced as reflected here.)

Item 297 #6s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$2,253,621)	(\$2,965,290)	GF
Services	(\$3,676,959)	(\$2,965,290)	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,800,395,579".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,266,474,450".

Page 209, after line 23, insert:

"XXX. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay out-of-state border hospitals who treat Virginia Medicaid recipients at inpatient operating rates that are a percentage of reimbursement they would otherwise be paid based on the percentage of reimbursement their state Medicaid program, on average, pays similarly situated Virginia hospitals for treating their Medicaid recipients. The department shall determine the percentage of reimbursement that border state Medicaid programs, on average, pay similarly situated Virginia hospitals for treating their Medicaid recipients up to 100 percent and include those percentages in regulation. Out-of-state cost reporting hospitals who have Virginia Medicaid utilization in the base year of at least 12 percent of total Medicaid days shall continue to be paid as similarly situated Virginia hospitals are for operating payments. The department shall promulgate regulations to become effective within 280 days or less from the enactment of the Act."

Explanation:

(This amendment reduces payments to out-of-state hospitals treating Virginia Medicaid recipients by reimbursing these hospitals at the same rate their states pay Virginia hospitals for serving children from that state. Hospitals whose Virginia Medicaid days make up 12 percent or more of their total Medicaid days are not subject to the reduction.)

Item 297 #7s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$1,242,826	\$1,282,596	GF
Services	\$1,242,826	\$1,282,596	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,808,811,811".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,274,970,222".

Page 208, line 47, after "days." insert:

"Out-of-state cost reporting hospitals that do not meet the 12 percent threshold shall be compensated at 50 percent of the rate that they otherwise would have received under the current payment methodology."

Explanation:

(This amendment restores \$1.2 million GF and \$1.2 million NGF the first year and \$1.3 million GF and \$1.3 million NGF from federal Medicaid matching funds the second year to restore 50 percent of payments to out-of-state hospitals that fail to meet a threshold of 12 percent of Virginia residents from the Medicaid caseloads to qualify for additional disproportionate share hospital (DSH) payments.)

Item 297 #8s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$1,242,826	\$1,282,596	GF
Services	\$1,242,826	\$1,282,596	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,808,811,811".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,274,970,222".

Page 206, line 29, strike "prior to" and insert "after".

Explanation:

(This amendment restores \$1.2 million GF and \$1.2 million NGF the first year and \$1.3 million GF and \$1.3 million NGF from federal Medicaid matching funds the second year by reducing by 50 percent additional payments made to out-of-state hospitals that receive disproportionate share hospital (DSH) payments and restoring those payments to in-state hospitals receiving DSH payments. A companion amendment to this item reduces by 50 percent the amount of DSH an out-of-state hospital qualifies for if less than 12 percent of its Medicaid days are comprised of Virginia Medicaid enrollees.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 209, after line 23, insert:

"XXX. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services and the Virginia Association of Community Services Boards to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices."

Explanation:

(This amendment directs the Department of Medical Assistance Services to work with the Department of Behavioral Health and Developmental Services and the Virginia Association of Community Services Boards to establish rates for intensive in-home services within certain parameters.)

Health And Human Resources

Department Of Medical Assistance
Services

FY 10-11

(\$1,695,182)
(\$1,695,182)

FY 11-12

(\$1,917,627)
(\$1,917,627)

GF

NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,802,935,795".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,268,569,776".

Page 208, line 45, after "hospital" insert "and indirect medical education".

Explanation:

(This amendment assumes savings by creating a new threshold for out-of-state hospitals to receive additional payments related to indirect medical education. In order to qualify for indirect medical education payments, at least 12 percent of out-of-state hospitals total Medicaid bed days will need to be Virginia Medicaid patients beginning July 1, 2010. No other state provides Virginia hospitals with additional IME payment that the Commonwealth provides to out-of-state hospitals.)

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 203, after line 47, insert:

"3. Upon approval by the Centers for Medicare and Medicaid Services, the Department shall report on the fiscal impact of extending Medicaid coverage for cervical cancer vaccines as part of the basic services protocol for family planning, if feasible and consistent with federal requirements. The Department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than 60 days after federal approval is granted."

Explanation:

(This amendment requires the Department to report on the fiscal impact of providing cervical cancer vaccines under the Medicaid Family Planning Waiver. The federal match rate for such services is 90 percent.)

Health And Human Resources

Department Of Medical Assistance
Services

	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$276,385)	(\$625,306)	GF
Services	(\$276,385)	(\$625,306)	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,805,773,389".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,271,154,418".

Page 209, after line 23, insert:

"XXX. The Department of Medical Assistance Services shall amend the 1915 (c) home-and-community-based waivers to decrease the annual amount paid for environmental modifications and assistive technology from \$5,000 to \$3,000 and to place a per person lifetime total cap of \$15,000 for each service for environmental modifications and assistive technology in the Individual and Family Developmental Disabilities Supports, Intellectual Disabilities, Technology Assisted and HIV/AIDS waivers. The department shall amend the Children's Mental Health demonstration grant to decrease the annual amount paid for environmental modifications from \$5,000 to \$3,000 and to place a lifetime total cap of \$15,000. The department shall implement this change effective January 1, 2011, and prior to the completion of any

regulatory process undertaken in order to effect such change."

Explanation:

(This amendment assumes savings by applying new parameters to the use of environmental modifications and assistive technology. Currently, an individual can receive up to \$5,000 for environmental modification and assistive technology. This amendment reduces the limit to \$3,000 per project and imposes a lifetime limit of \$15,000.)

Item 297 #13s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 201, line 7, strike "292,001,874" and insert "290,022,750".
Page 201, line 8, strike "294,242,812" and insert "296,238,249".
Page 201, line 10, strike "41.5" and insert "43".
Page 201, line 11, after "percent" insert "in the second year only".
Page 201, line 21, strike "\$1,979,124 the first year and".
Page 201, line 21, strike "2,004,563" and insert "4,000,000".

Explanation:

(This amendment modifies budget language appropriating funding from the Virginia Health Care Fund (VHCF) to FAMIS. The introduced budget proposed to transfer \$2.0 million annually from the Virginia Tobacco Settlement Fund (VTSF) to the VHCF to free up general funds in FAMIS. A separate amendment to Item 468 proposes a transfer of three percent of funds received under the Master Tobacco Settlement Agreement to the VHCF in FY 2012 only, which is then transferred to FAMIS to generate general fund savings of \$4.0 million.)

Item 297 #14s

Health And Human Resources

Department Of Medical Assistance
Services

FY 10-11

FY 11-12

\$0	(\$41,755,278)	GF
\$0	(\$41,755,278)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,188,894,474".

Page 209, after line 23, insert:

“XXX. The Department of Medical Assistance Services shall ensure that the FY 2012 capitation rate increase for Medallion II does not exceed 4.0 percent. If other provider rate limitations required by this act result in corresponding adjustments to the FY 2012 capitation rates, these limits shall be reduced by the amount of the impact on Medallion II rates of those downward adjustments. To the extent that the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective.”

Explanation:

(This amendment reduces funding for Medicaid managed care organization (MCOs) by four percent in FY 2012. The introduced budget increased Medicaid payment rates by eight percent in FY 2012 for Medicaid MCOs to recognize the rising cost of delivering medical services. Language is added to restore funding if Congress passes a six-month extension of enhanced federal Medicaid funding.)

Item 297 #15s

Health And Human Resources

FY 10-11

FY 11-12

Department Of Medical Assistance
Services

\$0	(\$24,164,264)	GF
\$0	(\$24,164,264)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,224,076,502".

Page 206, line 21, after “.”, insert:

“In addition, effective July 1, 2011, the hospital adjustment factor for acute care and rehabilitation inpatient services for Type Two hospitals shall be 74 percent of cost and the adjustment factor for psychiatric inpatient hospital services for Type Two hospitals shall be 80 percent of cost. Corresponding changes shall be made to the hospital adjustment factors for Type One hospitals.”

Page 206, line 23, after “increases”, insert:

“or changes to the adjustment factors”.

Explanation:

(This amendment reduces funding for inpatient hospital rates paid through the Medicaid program in the second year. A companion amendment to this item restores funding if the federal government extends enhanced federal Medicaid funding by an additional six months.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$10,802,339)	GF
Services	\$0	(\$10,802,339)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,250,800,352".

Page 209, after line 23, insert:

“XXX. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce reimbursement for hospital outpatient services from 80 percent of cost to 76 percent of cost for Type Two hospitals and from 94 percent of cost to 90 percent of cost for Type One hospitals. The department shall not replace through other payment mechanisms the losses Type One hospitals experience from this reduction unless the provider is able to transfer the state share or certify the public expenditures. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts in this paragraph related to the four percent operating rate reduction shall not become effective.”

Explanation:

(This amendment reduces payments for outpatient hospital services provided through Medicaid by four percent effective the second year. Language is added to restore funding if Congress passes a six-month extension of enhanced federal Medicaid funding.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$18,426,616)	GF
Services	\$0	(\$18,426,616)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,235,551,798".

Page 206, line 47, after the period, insert:

“In addition, operating rates shall be reduced four percent from that which would otherwise be calculated in FY 2012. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the first year amount reducing inflation and the second year amount reducing operating rates in this paragraph shall not become effective.

2. The Director of the Department of Medical Assistance Services shall work with the Virginia Health Care Association and the Virginia Hospital and Healthcare Association to identify and develop changes to the existing methodology for determining Medicaid payment rates for facilities to provide a rate add-on on a sliding scale basis to facilities that serve a high proportion of Medicaid beneficiaries to minimize the impact of budget-related payment reductions on Medicaid dependent groups. The Director shall report his findings to the House Appropriations and Senate Finance Committees no later than January 1, 2011.”

Explanation:

(This amendment reduces the operating payment rate for nursing homes by four percent in the second year. Language is added to restore funding for the first year inflationary adjustment and the second year operating rate reduction if Congress passes a six-month extension of enhanced federal Medicaid funding. Language is also added to explore a mechanism to reimburse facilities if they serve a disproportionate share of Medicaid clients.)

Item 297 #18s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$14,714,275)	GF
Services	\$0	(\$14,714,275)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,242,976,480".

Page 209, after line 23, insert:

“XXX. 1. Effective July 1, 2011, the Department shall reduce by 4% rates determined under RBRVS in 12 VAC 30-80-190 at the same time as the annual update. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective.

2. The Director of the Department of Medical Assistance Services shall work with the relevant organizations representing physicians and other relevant practitioners to identify and develop changes to the existing methodology for determining Medicaid payment rates for practitioners to provide a rate add-on on a sliding scale basis to practitioners that serve a high proportion of Medicaid beneficiaries to minimize the impact of budget-related Medicaid payment reductions on Medicaid dependent groups. The Director shall report his findings to the House Appropriations and

Senate Finance Committees no later than January 1, 2011.”

Explanation:

(This amendment reduces funding by four percent for physicians and other practitioners delivering Medicaid funded services the second year. Language is added to restore funding if Congress passes a six-month extension of enhanced federal Medicaid funding. Language is also added to explore a mechanism to reimburse practitioners more if they serve a disproportionate share of Medicaid clients.)

Item 297 #19s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$2,334,840)	GF
Services	\$0	(\$2,334,840)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,267,735,350".

Page 209, after line 23, insert:

“XXX. 1. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce the rates for dental services by 4.0 percent. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective.

2. The Director of the Department of Medical Assistance Services shall work with the Virginia Dental Association to identify and develop changes to the existing methodology for determining Medicaid payment rates for dentists to provide a rate add-on on a sliding scale basis to dentists that serve a high proportion of Medicaid beneficiaries to minimize the impact of budget-related payment reductions on Medicaid dependent groups. The Director shall report his findings to the House Appropriations and Senate Finance Committees no later than January 1, 2011.”

Explanation:

(This amendment reduces funding by four percent for dental services funded through Medicaid the second year. Language is added to restore funding if Congress passes a six-month extension of enhanced federal Medicaid funding. Language is also added to explore a mechanism to modify reimbursements for dentists if they serve a disproportionate share of Medicaid clients.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$449,465)	(\$523,579)	GF
Services	(\$733,338)	(\$523,579)	NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,805,143,356".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,271,357,872".

Page 209, after line 23, insert:

"XXX. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to decrease the dispensing fee paid to pharmacists from \$3.75 to \$3.50 per prescription per month. Such amendments to the State Plan shall become effective July 1, 2010."

Explanation:

(This amendment reduces the dispensing fee paid to pharmacists by \$0.25 effective July 1, 2010.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$36,167,138)	GF
Services	\$0	(\$36,167,138)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,200,070,754".

Page 209, after line 23, insert:

"XXX. Effective July 1, 2011, the Department shall amend the State Plan for Medical Assistance to reduce the category of eligibility, as described in Section 1902(m) of the Social Security Act (42 USC§1396a(m)), for aged and disabled individuals with income levels to 75 percent of the federal poverty line. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective."

Explanation:

(This amendment reduces income eligibility under Medicaid for the aged, blind and disabled to 75 percent of poverty in the second year. Currently, individuals are eligible for Medicaid if they have income up to 80 percent of poverty. Language is added to restore funding if Congress passes a 6-month extension of enhanced federal

Medicaid funding.)

Item 297 #22s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$623,520)	GF
Services	\$0	(\$623,520)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,271,157,990".

Explanation:

(This amendment adjusts funding for Medicaid to reflect a reduction in eligibility due to a reduction in the auxiliary grant rate. Reducing the auxiliary grant rate has the affect of reducing eligibility for Medicaid. A separate amendment to Item 330 restores this reduction if the federal government extends six months of enhanced federal Medicaid funding.)

Item 297 #23s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$563,081)	GF
Services	\$0	(\$563,081)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,271,278,868".

Page 198, line 22, strike "are" and insert "is".

Page 198, line 22, strike "annually" and insert "in the first year".

Page 198, line 22, after the period, insert:

"To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective."

Explanation:

(This amendment eliminates an automatic inflationary increase in the medically needy income limits the second year. Language is added to restore funding if Congress passes a 6-month extension of enhanced federal Medicaid funding.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$0	(\$36,440,811)	GF
Services	\$0	(\$36,440,811)	NGF

Language:

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,199,523,408".

Page 208, line 32, after "RRR." insert "1."

Page 208, after line 39, insert:

"2. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reduce the income limit for eligibility under the 300 percent Supplemental Security Income (SSI) eligibility group to 250 percent of the SSI payment level. The department shall implement this change effective July 1, 2011.

3. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective."

Explanation:

(This amendment further reduces eligibility for the SSI eligibility group from 275 to 250 percent of SSI. The introduced budget reduces eligibility on January 1, 2011 from 300 to 275 percent of SSI. The governor's amendments announced on February 17, 2010 recommended reducing eligibility to 250 percent of SSI each year. Language is added to restore funding to 300 percent of SSI if Congress passes a 6-month extension of enhanced federal Medicaid funding.)

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$85,736,111)	\$0	GF
Services	\$85,736,111	\$0	NGF

Language:**Explanation:**

(This amendment reduces the general fund share of the Commonwealth's required Medicare Part D "Clawback" payment to reflect a recent decision by the federal government to apply the enhanced federal match to the payment. This one-time

action results in general fund savings of \$85.7 million in FY 2011.)

Item 297 #26s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 208, line 9, after "(12 VAC 30-70-291.E).", strike:
"IME payments to Virginia hospitals shall remain".
Page 208, line 10, strike "unchanged."

Explanation:

(This technical amendment eliminates a sentence to clarify a proposed budget reduction strategy. The strategy directs the Department of Medical Assistance Services to eliminate special Indirect Medical Education payments to three hospitals based on Neonatal Intensive Care Unit utilization or days. The language contains a sentence that may create confusion. This amendment deletes the unnecessary sentence to clarify the action.)

Item 297 #27s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 209, after line 23, insert:
"XXX. 1. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in paragraph HHH., III., JJJ., KKK., and LLL. shall not become effective.

2. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in the first year in paragraphs WW. and NNN. shall not become effective."

Explanation:

(This amendment eliminates the freeze on community-based Medicaid waiver

slots included in the introduced budget if Congress enacts legislation to extend enhanced Medicaid funding from January 1, 2011 through June 30, 2011. Language is also added to restore funding in the first year for respite care services and home- and community-based waiver rates if Congress extends enhanced Medicaid funding.)

Item 297 #28s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 197, line 2, strike "286,422,750" and insert "290,022,750".

Page 197, line 2 strike "288,638,249" and insert "292,238,249".

Page 197, line 3, strike "3,687,730,127" and insert "3,684,130,127".

Page 197, line 3, strike "3,556,875,399" and insert "3,553,275,399".

Explanation:

(This technical amendment transfers \$3.6 million in federal appropriation to the Health Care Fund (transfers appropriation from fund group 1000 to 0900). The introduced budget includes \$3.6 million each year in new revenue to the Health Care Fund from the repeal of the dealer discount on tobacco taxes. The appropriation was inadvertently added as federal appropriation, but should have been added as Health Care Fund appropriation (fund detail 0949).)

Item 297 #29s

Health And Human Resources

Department Of Medical Assistance
Services

FY 10-11

(\$890,977)

(\$890,977)

FY 11-12

(\$890,977)

(\$890,977)

GF

NGF

Language:

Page 196, line 50, strike "\$6,806,326,159" and insert "\$6,804,544,205".

Page 196, line 50, strike "\$7,272,405,030" and insert "\$7,270,623,076".

Explanation:

(This technical amendment corrects the distribution of the central accounts transfer in the introduced budget for the Department of Medical Assistance Services. Out of a total reduction of \$1,422,605 general fund in each year, \$890,977 of that

amount should have been transferred to the Medicaid program budget as opposed to the administrative budget where it was inadvertently applied. The corresponding federal funds are also redistributed to the proper program. This amendment reflects the reduction to the Medicaid program.)

Item 297 #30s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 203, line 55, after "to add", insert "up to".

Page 203, line 55, after "30 new slots (" insert "up to".

Page 203, line 56, after "to add", insert "up to).

Page 203, line 56, after "220 new slots (" , insert "up to".

Explanation:

(This technical amendment limits the number of Money Follows the Person (MFP) Medicaid waiver slots created each year. Currently, the budget provides for 15 Developmental Disabilities (DD) and 110 Intellectual Disabilities (ID) waiver slots to be created each year. This change provides that up to 15 DD and up to 110 ID waivers slots will be created each year. The purpose of this amendment is to ensure that any waiver slots not needed by the MFP program are not created, which would require funding after the expiration of the MFP program.)

Item 297 #31s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 206, line 49, after the period, insert:

"To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in the first year relating to the inflationary adjustment in this paragraph shall not become effective during fiscal year 2011."

Explanation:

(This amendment adds language restoring an inflationary adjustment for nursing homes that was removed in the introduced budget. The restoration is contingent upon Congress enacting legislation to extend enhanced Medicaid funding from January 1, 2011 through June 30, 2011.)

Item 297 #32s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 206, line 24, after the period, insert:

"To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the reduction in this paragraph shall not become effective."

Explanation:

(This amendment adds language restoring an inflationary adjustment each year for inpatient hospital rates that was removed in the introduced budget and an additional reduction in the inpatient hospital rate the second year contained in a companion amendment to this item. The restoration is contingent upon Congress enacting legislation to extend enhanced Medicaid funding from January 1, 2011 through June 30, 2011.)

Item 297 #33s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 197, after line 51, insert:

"3. To the extent the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective during fiscal year 2011."

Explanation:

(This amendment adds language restoring indigent health care costs that were reduced by 3 percent in the introduced budget for VCU Health System and UVA

Health System. The restoration is contingent upon Congress enacting legislation to extend enhanced Medicaid funding from January 1, 2011 through June 30, 2011.)

Item 300 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	\$890,977	\$890,977	GF
Services	\$890,977	\$890,977	NGF

Language:

Page 210, line 6, strike "\$106,206,839" and insert "\$107,988,793".

Page 210, line 6, strike "\$105,979,839" and insert "\$107,761,793".

Explanation:

(This technical amendment corrects the distribution of the central accounts transfer in the introduced budget for the Department of Medical Assistance Services. Out of a total reduction of \$1,422,605 general fund in each year, \$890,977 of that amount should have been transferred to the Medicaid program budget as opposed to the administrative budget where it was inadvertently applied. The corresponding federal funds are also redistributed to the proper program. This amendment reflects the positive side of the transfer to the administrative program.)

Item 300 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Medical Assistance	(\$1,542,400)	(\$1,542,400)	GF
Services	(\$1,542,400)	(\$1,542,400)	NGF

Language:

Page 210, line 6, strike "\$106,206,839" and insert "\$103,122,039".

Page 210, line 6, strike "\$105,979,839" and insert "\$102,895,039".

Explanation:

(This amendment reduces funding for Medicaid administrative costs by 10 percent each year.)

Item 304 #1s

Health And Human Resources

Department Of Behavioral Health
And Developmental Services

Language

Language:

Page 212, strike lines 34 through 53 and re-letter the remaining paragraphs.

Page 213, strike lines 8 through 16 and re-letter the remaining paragraphs.

Page 214, after line 48, insert:

"R. The Department of Behavioral Health and Developmental Services shall submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year. The first annual report shall be submitted no later than December 1, 2010 for FY 2010."

Explanation:

(This amendment removes budget language related to duplicative reporting requirements, obsolete references, or administrative responsibilities. In light of recent budget reductions, which have eliminated significant Central Office and CSB administrative capacity, continuation of these reporting requirements will be difficult to support. Further, the reports already submitted have documented effective implementation of the System Transformation and Mental Health Law Reform Initiatives. The proposed new reporting requirement will provide more meaningful and useful data about the system's performance. A companion amendment to Item 305 makes similar modifications.)

Item 304 #2s

Health And Human Resources

Department Of Behavioral Health
And Developmental Services

FY 10-11

\$700,000

FY 11-12

\$700,000 GF

Language:

- Page 212, line 4, strike "\$41,494,426" and insert "\$42,194,426".
- Page 212, line 4, strike "\$40,731,426" and insert "\$41,431,426".
- Page 213, line 37, strike the first "2,270,000" and insert "2,970,000".
- Page 213, line 37, strike the second "2,270,000" and insert "2,970,000".

Explanation:

(This amendment restores \$700,000 GF each year for jail diversion and prisoner reentry services for individuals with mental illness. Funding has declined from \$3.0 million that was initially provided in 2008.)

Item 304 #3s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 214, strike lines 34 through 48 and insert:
"Q. The Commissioner of the Department of Behavioral Health and Developmental Services shall establish a state and community planning team for the purpose of developing a plan to continue providing acute, inpatient mental health treatment for children and adolescents at the Commonwealth Center for Children and Adolescents. The team, under the direction of the commissioner, shall develop a plan to ensure funding is provided at the CCCA to serve children who require the care provided at the facility. The team shall also explore and develop new treatment models including but not limited to community-based crisis stabilization and inpatient bed purchases at private facilities, to minimize the need for care at the CCCA. The team shall consist of Department staff and representatives of affected consumers, local government officials, advocates, state hospital employees, community services boards, behavioral health authorities, and public and private child and adolescent mental health service providers, and other interested persons, as determined by the commissioner. In addition, members of the House of Delegates and the Senate representing the localities served by the hospital may serve on the state and community planning team. The commissioner shall report interim findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2010 and a final report by November 1, 2011."

Explanation:

(This amendment removes language that proposed the closure of the

Commonwealth Center for Children and Adolescents in the introduced budget. New language is added that requires the Commissioner to develop a plan to continue operating the CCCA and develop new treatment models to minimize the need for care at the CCCA.)

Item 304 #4s

Health And Human Resources

Department Of Medical Assistance
Services

Language

Language:

Page 214, after line 48, insert:

"R. Out of this appropriation, \$2,100,000 from the general fund each year shall be used to provide acute, mental health treatment for children and adolescents who would otherwise require inpatient treatment at the Commonwealth Center for Children and Adolescents."

Explanation:

(This amendment provides language directing how funds included in the introduced budget are to be used to provide community-based mental health treatment services for children and adolescents who would otherwise be treated at the Commonwealth Center for Children and Adolescents (CCCA).)

Item 305 #1s

Health And Human Resources

Grants To Localities

Language

Language:

Page 215, strike lines 29 through 32 and re-letter the remaining paragraphs.

Page 216, strike lines 1 through 4 and re-letter the remaining paragraphs.

Page 216, strike lines 17 through 54 and re-letter the remaining paragraphs.

Page 217, strike lines 1 through 17 and re-letter the remaining paragraphs.

Page 218, strike lines 9 through 18 and re-letter the remaining paragraphs.

Explanation:

(This amendment removes budget language related to duplicative reporting requirements, obsolete references, or administrative responsibilities. In light of recent budget reductions, which have eliminated significant Central Office and CSB

administrative capacity, continuation of these reporting requirements will be difficult to support. Further, the reports already submitted have documented effective implementation of the System Transformation and Mental Health Law Reform Initiatives. The proposed new reporting requirement in a companion amendment to Item 304 will provide more meaningful and useful data about the system's performance.)

Item 305 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Grants To Localities	(\$100,000)	(\$100,000)	GF

Language:

Page 215, line 2, strike "\$294,389,510" and insert "\$294,289,510".

Page 215, line 2, strike "\$294,324,510" and insert "\$294,224,510".

Page 218, strike lines 19 and 20 and re-letter the remaining paragraphs.

Explanation:

(This amendment eliminates funding for Holiday House of Portsmouth, Inc., a non-state agency that received funding for equipment and related capital improvements in 2008.)

Item 309 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Mental Health Treatment Centers	\$5,000,000	\$8,300,000	GF
	\$1,800,000	\$1,800,000	NGF

Language:

Page 219, line 4, strike "\$183,686,347" and insert "\$190,486,347".

Page 219, line 4, strike "\$177,686,347" and insert "\$187,786,347".

Explanation:

(This amendment restores \$5.0 million GF and \$1.8 million NGF the first year and \$8.3 million GF and \$1.8 million NGF the second year to prevent the closure of the Commonwealth Center for Children and Adolescent located in Staunton. Separate amendments update an informational table in Item 311 reflecting position levels and appropriations and restore educational funding in Item 132.)

Health And Human Resources

Mental Health Treatment Centers

Language

Language:

Page 219, line 45, strike "0.00" and insert "140.00".

Page 219, line 45, strike "3,300,000" and insert "8,300,000".

Page 219, line 45, strike the first "0" and insert "1,800,000".

Page 219, line 45, strike "3,300,000" and insert "10,100,000".

Page 220, line 9, strike "0.00" and insert "140.00".

Page 220, line 9, strike the first "0" and insert "8,300,000".

Page 220, line 9, strike the second "0" and insert "1,800,000".

Page 220, line 9, strike the fourth "0" and insert "10,100,000".

Explanation:

(This language amendment updates an information table that displays current funding for state mental health facilities. A separate amendment to Item 309 restores \$5.0 million GF and \$1.8 million NGF the first year and \$8.3 million GF and \$1.8 million NGF the second year to maintain the cost of operating child and adolescent treatment services at the Commonwealth Center for Children and Adolescents in Staunton.)

Health And Human Resources

Intellectual Disability Training
Centers

Language

Language:

Page 221, after line 10, insert:

"E. The Commissioner, in cooperation with the Virginia Association of Community Services Boards in Northern Virginia shall work cooperatively with the Northern Virginia Training Center (NVTC) to utilize the Medicaid waiver program and other resources to provide services in the community where appropriate to individuals who otherwise might be admitted to NVTC. There shall be a determination, except for those seeking respite care, of whether each individual who otherwise might be admitted to NVTC can be served appropriately in the community, with the

understanding that individuals may be admitted to NVTC if there are not appropriate services available in the community. Any judicial certification of eligibility for new admission to NVTC shall be for a period of no more than 365 days, with the opportunity for recertification if there still are no appropriate services available in the community. Any savings achieved at NVTC in excess of those already included in the budget, which reduces the number of beds by six, may be reappropriated for additional waiver slots in Northern Virginia. This initiative shall have no effect on the status of individuals currently residing at NVTC. The Commissioner shall report outcomes data on this project to the Chairmen of the Senate Finance and House Appropriations Committees on November 30 each year."

Explanation:

(This language amendment establishes a pilot project to divert individuals from placement in Northern Virginia Training Center in cooperation with community services boards.)

Item 320 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Rehabilitative Services	(\$1,350,000)	(\$1,350,000)	GF
	\$1,350,000	\$1,350,000	NGF

Language:

Explanation:

(This amendment supplants general fund support for vocational rehabilitation services with nongeneral fund sources each year of the biennium.)

Item 320 #2s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Rehabilitative Services	(\$469,454)	(\$469,454)	GF

Language:

- Page 222, line 37, strike "\$91,068,348" and insert "\$90,598,894".
- Page 222, line 37, strike "\$90,836,209" and insert "\$90,366,755".
- Page 223, line 9, strike the first "4,694,588" and insert "4,225,135".
- Page 223, line 9, strike the second "4,694,588" and insert "4,225,135".

Explanation:

(This amendment reduces funding for centers for independent living (CILs) by 10 percent. Funding was not reduced for CILs in the introduced budget.)

Item 330 #1s

Health And Human Resources

Department Of Social Services

Language

Language:

Page 230, after line 50, insert:

"G.1. Notwithstanding §20-15, Code of Virginia, effective July 1, 2010, the tax on a marriage license shall be \$35, which tax shall be collected by the clerk when the license is issued and accounted for as in the case of other state taxes collected.

2. Notwithstanding §20-15, Code of Virginia, fifteen dollars of the increase contained in G.1. shall be allocated to the Virginia Department of Social Services for the purpose of providing services for children and youth exposed to sexual and/or domestic violence."

Explanation:

(This amendment increases the marriage license tax from \$20 to \$35 and earmarks the additional revenue estimated at \$870,000 annually to the Department of Social Services for services to children and youth who are exposed to sexual and/or domestic violence.)

Item 330 #2s

Health And Human Resources

Department Of Social Services

FY 10-11

FY 11-12

\$0

(\$2,413,152) GF

Language:

Page 229, line 47, strike "\$40,716,406" and insert "\$38,303,254".

Page 230, after line 23, insert:

"4. Effective July 1, 2011, the Department of Social Services shall reduce the base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity by 4 percent. To the extent that the 101st United States Congress enacts legislation that extends enhanced federal Medicaid funding, the amounts reduced in this paragraph shall not become effective."

Explanation:

(This amendment reduces by four percent the rates paid to assisted living facilities under the auxiliary grant program the second year. Language is added to restore funding if Congress passes a 6-month extension of enhanced federal Medicaid funding.)

Item 331 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Social Services	\$100,000	\$100,000	NGF

Language:

Page 230, line 51, strike "\$164,674,720" and insert "\$164,774,720".

Page 230, line 51, strike "\$170,183,963" and insert "\$170,283,963".

Page 231, after line 29, insert:

"G. Out of the amounts appropriated for this item, \$100,000 the first year and \$100,000 the second year from nongeneral funds is provided to implement the Virginia Child Protection Accountability System."

Explanation:

(This amendment provides funding for the creation of a system to follow-up with children who were victims of internet predators. The funding for this amendment is from a new \$10 fee on persons convicted of felonies and criminal misdemeanors. This amendment is contingent upon final passage of Senate Bill 620.)

Item 333 #1s

Health And Human Resources	FY 10-11	FY 11-12	
Department Of Social Services	\$0	(\$2,000,000)	GF

Language:

Page 231, line 40, strike "\$33,412,198" and insert "\$31,412,198".

Page 232, line 23, strike "4,925,501" and insert "2,925,501".

Explanation:

(This amendment reduces \$2.0 million the second year from an increased allocation of general funds for Healthy Families Virginia. The introduced budget phases out federal TANF funding for the program and restores general fund support in the second year. The program will continue to receive \$2.9 million GF the second

year.)

Item 335 #1s

Health And Human Resources
Department Of Social Services

FY 10-11
(\$600,000)

FY 11-12
(\$600,000) GF

Language:

Page 233, line 48, strike "\$70,643,972" and insert "\$70,043,972".

Page 233, line 48, strike "\$70,634,904" and insert "\$70,034,904".

Explanation:

(This amendment reduces administrative funding at the Department of Social Services central office by 5 percent during the 2010-12 biennium. VITA costs are not subject to the 5 percent reduction.)

Item 337 #1s

Health And Human Resources
Department Of Social Services

Language

Language:

Page 235, after line 46, insert:

"F. The Department of Social Services shall, to the extent permitted by federal law, in determining eligibility for the Supplemental Nutrition Assistance Program (SNAP), implement options for categorical eligibility under 7 CFR 273.2(j)(2) to (1) align SNAP resource limits and methodologies with those in the Virginia TANF program, and (2) increase the SNAP gross income test to 165 percent of the federal poverty guidelines."

Explanation:

(This language amendment will streamline the process for low-income individuals to qualify for federally funded food stamp or SNAP benefits. This change will allow DSS caseworkers to align eligibility for food stamps with those in place for TANF recipients and increase eligibility levels that will primarily benefit low income workers with child care expenses and high shelter costs.)

Item 346 #1s

Health And Human Resources
Department For The Blind And
Vision Impaired

FY 10-11
(\$454,850)

FY 11-12
(\$454,850) GF

Language:

Page 237, line 36, strike "\$1,744,040" and insert "\$1,289,190".

Page 237, line 36, strike "\$1,744,040" and insert "\$1,289,190".

Explanation:

(This amendment supplants general fund support for administrative activities at the Department for the Blind and Visually Impaired with nongeneral fund fee revenue from enterprise activities.)

Item 351 #1s

Natural Resources

Department Of Conservation And
Recreation

Language

Language:

Page 242, after line 18, insert:

"J. Until such time as adequate funding is available through the Dam Safety, Flood Prevention and Protection Assistance Fund established pursuant to § 10.1-603.17, Code of Virginia, the Soil and Water Conservation Board shall continue to issue conditional operation and maintenance certificates for any existing impoundment that does not comply with current dam safety regulations so long as the owner of the impoundment has an emergency action plan in place pursuant to 4 VAC 50-20-175. However, such emergency action plans must be made available to the public."

Explanation:

(This amendment requires the Soil and Water Conservation Board to continue to issue conditional operation and maintenance certificates for dams that were constructed prior to the adoption of the current dam safety regulations, as long as they maintain and annually practice an emergency action plan as required by the Virginia Administrative Code, until such time as there is adequate funding available to assist dam owners in making upgrades necessary to meet the new regulations.)

Item 351 #2s

Natural Resources	FY 10-11	FY 11-12
Department Of Conservation And Recreation	\$329,147	\$0 NGF

Language:

Page 241, line 2, strike "\$67,590,053" and insert "\$67,919,200".

Page 242, after line 18, insert:

"J. Included in the amounts for this item is \$329,147 the first year in special funds provided from the sale of "Friend of the Chesapeake" license plates to carry out the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee."

Explanation:

(This amendment provides an appropriation of special funds from the "Friend of the Chesapeake" license plates, which are to be used for grants to organizations for programs to clean up the Chesapeake Bay. These grants are awarded based upon a competitive grant application process by the Advisory Committee.)

Item 351 #5s

Natural Resources

Department Of Conservation And Recreation

Language

Language:

Page 242, after line 18, insert:

"J. Notwithstanding any other provision of law, the regulations set forth in Chapter 18 of the Acts of Assembly, 2009 relating to stormwater management programs shall become effective within 280 days after the establishment by the United States Environmental Protection Agency of a Chesapeake Bay-wide Total Maximum Daily Load (TMDL) but in any event no later than December 1, 2011. The Virginia Soil and Water Conservation Board shall conform the regulation to be consistent with this effective date."

Explanation:

(This amendment delays the implementation of stormwater management regulations until the U.S. E.P.A. establishes pollution load limits for the Chesapeake Bay.)

Item 351 #6s

Natural Resources

Department Of Conservation And
Recreation

Language

Language:

Page 242, after line 18, insert:

"J. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The Department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, the program may be transferred to another state agency in order to ensure its continuation."

Explanation:

(This amendment is self-explanatory.)

Item 351 #7s

Natural Resources

Department Of Conservation And
Recreation

FY 10-11
(\$2,000,000)

FY 11-12
(\$2,000,000) GF

Language:

Page 241, line 2, strike "\$67,590,053" and insert "\$65,590,053".

Page 241, line 2, strike "\$67,590,053" and insert "\$65,590,053".

Page 242, line 2, strike "\$5,000,000 the first year and \$5,000,000" and insert "\$3,000,000 the first year and \$3,000,000".

Page 242, after line 8, insert:

"3. Out of these amounts, a total of eight percent, or \$1,200,000, whichever is greater, shall be provided to Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices."

Explanation:

(This amendment reduces funding for agricultural best management practices by \$2.0 million GF each year. Funding in the amount of \$9.1 million NGF and \$3.0 million GF will still be available for the program.)

Item 352 #1s

Natural Resources	FY 10-11	FY 11-12	
Department Of Conservation And Recreation	\$2,000,000	\$2,000,000	NGF

Language:

Page 242, line 19, strike "\$50,108,610" and insert "\$52,108,610".

Page 242, line 19, strike "\$50,108,610" and insert "\$52,108,610".

Page 243, line 3, after "D." insert "1."

Page 243, after line 5, insert:

"2. Included in the amounts for Preservation of Open Space is \$2,000,000 the first year and \$2,000,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia."

Explanation:

(This amendment implements the provisions of Senate Bill 264/House Bill 447, both of which have passed their respective houses, to provide nongeneral revenue from the removal of the cap on Land Preservation Tax Credit (LPTC) transfer fees. These funds shall be proportionally distributed by the Virginia Land Conservation Foundation to public and private entities based on the number of easements held under the LPTC program. The funds shall only be used for the purpose of monitoring and enforcing easement restrictions that qualified for tax credits.)

Item 354 #1s

Natural Resources	FY 10-11	FY 11-12	
Department Of Environmental Quality	(\$2,000,000)	(\$2,000,000)	GF
	\$2,000,000	\$2,000,000	NGF

Language:

Page 244, line 1, before "It" insert "A".

Page 244, after line 3, insert:

"B.1. The Waste Management Board shall adopt regulations pursuant to § 10.1-1402, Code of Virginia, to ensure that general funds shall not be required to cover the direct costs related to the issuance of all permits for the hazardous waste management program.

2. The Waste Management Board shall adopt regulations pursuant to §§ 10.1-1402 and 10.1-1402.1:1, Code of Virginia, to ensure that the total fees collected are

sufficient to cover at least 75 percent, but no more than 100 percent, of the direct costs of (i) processing an application to issue, reissue, amend or modify permits, and (ii) performing inspections and enforcement actions necessary to assure the compliance with permits issued for any sanitary landfill and other facility for the disposal, treatment or storage of nonhazardous solid waste.

3. The regulations adopted by the Waste Management Board to initially implement the provisions of paragraph B.1 and B.2. of this Item, and the provisions of Senate Bill 234 (2010) and Senate Bill 235 (2010) shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia."

Explanation:

(This amendment requires the Waste Management Board to establish fees which cover 100 percent of direct costs for Hazardous Waste Permits, resulting in general fund savings of \$250,000 per year that is replaced by fees. This amendment also requires the Waste Management Board to establish fees which cover no less than 75 percent, not to exceed 100 percent, of direct costs for Solid Waste Permits, resulting in general fund savings of \$1.75 million each year that is replaced by fees. The amendment allows the initial fees, but not subsequent fee schedules, to be exempt from the Administrative Process Act and to be effective in FY 2011. Senate Bill 234 and Senate Bill 235, both of which have passed the Senate implement these fees.)

Item 355 #1s

Natural Resources	FY 10-11	FY 11-12	
Department Of Environmental Quality	(\$3,000,000)	(\$3,000,000)	GF
	\$3,000,000	\$3,000,000	NGF

Language:

Page 244, after line 32, insert:

"F.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing no less than 55 percent, not to exceed 100 percent, of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.

2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia."

Explanation:

(This amendment requires the State Water Control Board to adopt permit fee regulations that cover at least 55 percent of direct costs. This results in general fund savings of \$3.0 million each year that is replaced by these fees. The amendment allows the initial fees, but not subsequent fee schedules, to be exempt from the Administrative Process Act and to be effective in FY 2011.)

Item 357 #1s

Natural Resources	FY 10-11	FY 11-12	
Department Of Environmental Quality	\$225,000	\$225,000	GF

Language:

Page 245, line 1, strike "\$57,373,759" and insert "\$57,598,759".
 Page 245, line 1, strike "\$57,373,759" and insert "\$57,598,759".

Explanation:

(This amendment restores funding for fish tissue analysis, which is accomplished by DEQ through a contract with the Virginia Institute of Marine Science. This was a recommendation of the Education Subcommittee.)

Item 370 #5s

Public Safety	
Secretary Of Public Safety	Language

Language:

Page 251, line 23, after "Department of Corrections" insert ", with the assistance and consultation of the Department of General Services,".
 Page 251, line 24, after "sheriffs" insert "and regional jails".
 Page 251, line 31, after "public safety" insert ", including additional steps which may

be required to encourage the expanded use of electronic monitoring,".

Explanation:

(This amendment clarifies language contained in the budget, as introduced, concerning the Task Force on Alternatives for Nonviolent Offenders, in order to encourage the use of electronic monitoring. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 370 #8s

Public Safety

Secretary Of Public Safety

Language

Language:

Page 251, line 40, after "granting of parole." insert:

"A report on this study shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committee by November 15, 2010."

Explanation:

(This amendment specifies the reporting date for a study of the use of risk assessment as one factor in parole decision-making.)

Item 373 #1s

Public Safety

Department Of Alcoholic Beverage
Control

FY 10-11
\$3,000,000
20.00

FY 11-12
\$3,000,000
20.00

NGF
FTE

Language:

Page 252, line 37, strike "\$509,995,519" and insert "\$512,995,519".

Page 252, line 37, strike "\$509,995,519" and insert "\$512,995,519".

Page 253, following line 5, insert:

"D.1. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.

2. Notwithstanding Section 4.1-120(A)(1) of the Code of Virginia, the Alcoholic Beverage Control Board shall determine the days of operation of each of its retail stores for the sale of alcoholic beverages. However, the Board shall not operate any retail store on Sunday in any locality which, by local ordinance, requests that the

Board not operate its stores on Sundays within that local government's jurisdiction."

Explanation:

(This amendment provides \$3,000,000 and 20.0 positions each year from nongeneral funds to open ten additional ABC stores and authorizes the Alcoholic Beverage Control Board to open its stores on Sundays statewide, subject to a local opt-out provision.)

Item 374 #1s

Public Safety

Department Of Correctional
Education

FY 10-11
(\$2,000,000)

FY 11-12
(\$2,400,000) GF

Language:

Page 253, line 12, strike "\$5,935,197" and insert "\$3,935,197".

Page 253, line 12, strike "\$5,935,197" and insert "\$3,535,197".

Page 253, following line 14, insert:

"It is the intention of the General Assembly that, in making reductions beyond the closing of correctional schools associated with the closing of specific state adult or juvenile correctional centers, the Department of Correctional Education shall preserve existing academic and life skills instruction and vocational training programs in state facilities, which have been shown to be effective in reducing recidivism. The Governor's Commission on Government Reform and Restructuring shall consider organizational changes which may be appropriate to best maintain the existing educational programs within the available resources."

Explanation:

(This amendment reduces the budget for the Department of Correctional Education by an additional \$2,000,000 the first year and \$2,400,000 the second year from the general fund, with the intention that the reductions be applied so as to preserve academic and vocational education programs in state facilities. The amendment also directs the Governor's Commission on Government Reform and Restructuring to consider potential organizational changes.)

Item 377 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 255, following line 31, insert:

"E. Notwithstanding the provisions of Section 53.1-20 of the Code of Virginia, persons convicted of felonies committed on or after January 1, 1995, and sentenced to the Department of Corrections or sentenced to confinement in jail for two years or more shall be placed in the custody of the Department and received by the Director into the state corrections system within sixty days of the date on which the final sentencing order is mailed by certified letter or sent by electronic submission to the Director by the clerk."

Explanation:

(This amendment adjusts the definition of state-responsible offenders from felons with sentences of one year or more to felons with sentences of two years or more. A companion amendment to the Compensation Board in Item 418 maintains the same jail per diem of \$14 for felons housed in jail with sentences of one year up to two years. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 377 #2s

Public Safety

Department Of Corrections

Language

Language:

Page 255, following line 31, insert:

"E. The Board of Corrections shall include within its reporting formats on the capacity of each local and regional jail, a measure of the actual jail capacity, which shall include double-bunking, with exceptions as appropriate, in the judgment of the Board, for isolation, segregation, or medical cells, or similar units which would not normally be double-bunked. Exceptions to this measure of capacity may also be made for jails which were constructed prior to 1980. A report on this revised measure of jail capacity shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committee by October 15, 2010."

Explanation:

(This amendment requests the Board of Corrections to measure the capacity of each local and regional jail based on double-bunking. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Public Safety

Department Of Corrections

Language

Language:

Page 254, line 15, strike "March" and insert "January".

Page 254, line 23, strike "Department of Criminal Justice Services" and insert "Departments of Corrections and Criminal Justice Services".

Page 254, line 24, strike "its" and insert "their".

Page 254, line 44, at the end of the line, insert "alternatives to incarceration included in the".

Page 254, line 46, strike "the plan" and insert "these programs".

Page 255, line 3, after "support the", insert "alternatives to incarceration included in the".

Page 255, line 26, strike "in the fall of 2009" and insert "as of December 31, 2009".

Explanation:

(This amendment clarifies language in the budget, as introduced, concerning the submission of community-based corrections plans related to the construction, expansion or renovation of local and regional jails. The amendment includes a change in the required submission date and clarifies the roles of the Departments of Corrections and Criminal Justice Services in reviewing this information.)

Public Safety

Department Of Corrections

Language

Language:

Page 257, following line 43, insert:

"J. The next priority for the Department of Corrections for the construction of a medium security correctional facility shall be given to a location within Charlotte County."

Explanation:

(This amendment expresses the intent of the General Assembly that the next medium security correctional facility be constructed in Charlotte County.)

Public Safety	FY 10-11	FY 11-12	
Department Of Corrections	\$715,000	\$715,000	GF
	5.00	5.00	FTE

Language:

Page 256, line 1, strike "\$828,426,107" and insert "\$829,141,107".

Page 256, line 1, strike "\$827,815,103" and insert "\$828,530,103".

Explanation:

(This amendment provides \$715,000 and five positions each year from the general fund to maintain the new state correctional facility in Grayson County. Construction of this facility will be completed in mid-2010. Included within this amount is an estimated \$215,000 each year to meet the commitments made by the Department of Corrections to local governments in the region for the extension of infrastructure necessary for the operation of the facility.)

Public Safety

Department Of Corrections

Language

Language:

Page 257, following line 43, insert:

"J. The Department of Corrections shall prepare a long range plan to consolidate the secure correctional facilities at the James River-Powhatan complex on the south side of the James River in Powhatan County. The plan shall include maintaining the Academy for Staff Development in its present location and maintaining current farming operations along the flood plain on the north side of the James River. The plan shall include an assessment of the value of property at the James River Correctional Center which may be declared surplus, and estimated capital costs to replace the James River Correctional Center and adjacent work centers with new facilities to be constructed on the south side of the James River on state-owned property. Copies of this plan shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010."

Explanation:

(This amendment requests the Department of Corrections to prepare a long range plan for consolidation of secure facilities at the James River-Powhatan correctional complex.)

Item 379 #4s

Public Safety	FY 10-11	FY 11-12	
Department Of Corrections	(\$9,000,000)	(\$11,000,000)	GF

Language:

Page 256, line 1, strike "\$828,426,107" and insert "\$819,426,107".

Page 256, line 1, strike "\$827,815,103" and insert "\$816,815,103".

Page 257, following line 43, insert:

"J. The Department of Corrections shall implement additional actions, which may include, but not necessarily be limited to, the closure of one or more correctional facilities, to achieve budget reductions of \$9,000,000 the first year and \$11,000,000 the second year from the general fund."

Explanation:

(This amendment reduces the budget for the Department of Corrections by \$9,000,000 the first year and \$11,000,000 the second year from the general fund to reflect additional budget reductions, which may include, but not necessarily be limited to, the closure or one or more correctional facilities. A companion amendment to Item 390 in Senate Bill 29 authorizes the Department to initiate these reductions prior to July 1, 2010.)

Item 379 #5s

Public Safety	FY 10-11	FY 11-12	
Department Of Corrections	\$0	(\$4,700,000)	GF

Language:

Page 256, line 1, strike "\$827,815,103" and insert "\$823,115,103".

Page 257, following line 43, insert:

"J. The Department of Planning and Budget, with the assistance of the Department of Corrections, shall conduct a review of inmate medical expenses, to determine whether there may be additional opportunities to reduce costs."

Explanation:

(This amendment removes \$4,700,000 the second year from the general fund

which was included in the budget, as introduced, for the second year increase in projected inmate medical expenses.)

Item 379 #6s

Public Safety	FY 10-11	FY 11-12
Department Of Corrections	(\$1,250,000)	\$0 GF

Language:

Page 256, line 1, strike "\$828,426,107" and insert "\$827,176,107".

Page 257, following line 43, insert:

"J. The Department of Planning and Budget, with the assistance of the Department of Corrections, shall conduct a review of equipment purchases to determine whether there may be additional opportunities to reduce costs."

Explanation:

(This amendment removes \$1,250,000 the first year from the general fund, based on a reduction of expenditures on equipment in the first year only.)

Item 380 #1s

Public Safety	
Department Of Corrections	Language

Language:

Page 259, following line 23, insert:

"J. Notwithstanding the provisions of Section 53.1-116 of the Code of Virginia and any applicable Board of Corrections regulations, and subject to the approval of the Sheriff or regional jail superintendent of a home electronic incarceration program for the local or regional jail, local and regional jail inmates assigned to a home electronic incarceration program pursuant to Subsection A or C of Section 53.1-131.2 are eligible for good time credit as provided for in Section 53.1-116(A)."

Explanation:

(This amendment authorizes good time credits for local or regional jail inmates assigned to home electronic incarceration programs. This is one of a series of amendments to enable the criminal justice system to manage its workload more effectively during a period of severe budget reductions.)

Public Safety

Department Of Corrections

Language

Language:

Page 259, following line 23, insert:

"J. By August 1, 2010, the Director of the Department of Corrections shall identify those prisoners eligible for parole who may be suitable parole risks and whose interests and those of society will be served by the grant of discretionary parole, shall recommend such prisoners to the Parole Board, and shall notify each such prisoner who is the subject of such a recommendation. In making such recommendations, the Director shall take into account the prisoner's criminal history record, mental and physical condition, employability, institutional adjustment, and such other factors as may be appropriate, including the risk of violence to others. No prisoner shall be recommended for release prior to the time specified in Section 53.1-154.1 of the Code of Virginia."

Explanation:

(This amendment requests the Director of the Department of Corrections to recommend to the Parole Board those prisoners eligible for parole who may be suitable candidates for parole. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Public Safety

Department Of Corrections

FY 10-11

(\$54,101)

FY 11-12

\$0 GF

Language:

Page 257, line 44, strike "\$82,246,458" and insert "\$82,192,357".

Explanation:

(This amendment removes \$54,101 the first year from the general fund, which was included in the budget, as introduced, as the prison bedspace fiscal impact of Senate Bill 604 of the 2010 Session, which was carried over.)

Public Safety

Department Of Corrections

Language

Language:

Page 259, following line 23, insert:

"J. From the appropriation for this Item, the Director, Department of Planning and Budget, is authorized to transfer up to \$150,000 each year from the general fund, to the Secretary of Public Safety, to support a position dedicated to the improvement and coordination of the Commonwealth's efforts related to the re-entry of offenders into society after being incarcerated in prison. Improving re-entry efforts is expected to decrease the recidivism of those offenders and enhance public safety."

Explanation:

(This amendment authorizes the transfer of up to \$150,000 each year from the general fund, from the Department of Corrections to the Secretary of Public Safety, to support a reentry coordinator position.)

Public Safety

Department Of Corrections

Language

Language:

Page 259, after line 23, insert:

"J.1 The Department of Corrections, with support from the Virginia Criminal Sentencing Commission, the Parole Board, and the Departments of Medical Assistance Services and Planning and Budget, shall consider the feasibility and desirability of establishing a geriatric parole release facility for older correctional inmates with special medical needs, who could be released on parole on the condition of living in this special facility. Such a facility should include sufficient security provisions to restrict residents who might attempt to leave without staff permission, but should otherwise not be deemed a correctional facility. The Department shall consider whether an existing state facility which has been closed might be a suitable location for such a facility, and whether the services provided in such a facility might be eligible for Medicaid reimbursement. The Department shall issue a request for proposals for a privately owned and operated geriatric parole release facility. A report on the results of this review, including the response to the request for proposals, the expected numbers of geriatric offenders who might be paroled to such

a facility over the next six years, and a cost analysis of contracting for such a facility compared to maintaining the same offenders in a state correctional facility, shall be provided to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 15, 2010."

Explanation:

(This amendment authorizes a review of the feasibility of creating a geriatric parole release facility for older offenders. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 381 #1s

Public Safety

Department Of Criminal Justice
Services

FY 10-11

(\$50,000)

FY 11-12

(\$50,000) GF

Language:

Page 259, line 33, strike "\$1,792,035" and insert "\$1,742,035".

Page 259, line 33, strike "\$1,792,035" and insert "\$1,742,035".

Page 259, strike lines 39 through 44.

Explanation:

(This amendment eliminates \$50,000 each year from the general fund for training of law enforcement officers and other first responders in managing persons with Alzheimer's disease or other memory-related impairments.)

Item 384 #3s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 261, following line 33, insert:

"3. As a condition of receipt of state funds under this program, local community corrections and pretrial services agencies shall charge supervision fees, based upon the guidelines for Supervision and Intervention Fees as promulgated by the Department of Criminal Justice Services."

Explanation:

(This amendment requires all of the local community corrections and pretrial services agencies to charge supervision fees. Currently, 26 of the 37 agencies already charge such fees. This amendment requires the other 11 programs to adopt similar fee schedules. The fees are used solely for the expansion and development of the agency, or to supplant local operating costs of the agency. The local agencies may allow a waiver of the fee or reduction of the fee based on approved local agency standard operating procedures. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 384 #4s

Public Safety	FY 10-11	FY 11-12	
Department Of Criminal Justice	(\$350,000)	(\$350,000)	GF
Services	\$1,100,000	\$1,100,000	NGF

Language:

Page 260, line 11, strike "\$76,780,910" and insert "\$77,530,910".

Page 260, line 11, strike "\$76,780,910" and insert "\$77,530,910".

Page 262, strike lines 8-16 and insert:

"I.1. Out of the amounts appropriated for this Item, \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$600,000 the first year and \$600,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$500,000 the first year and \$500,000 the second year.

2. The Department of Criminal Justice Services shall provide a report on the implementation of the grant program provided herein, by January 1, 2011, to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committee. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees prior to the distribution of these funds each year."

Explanation:

(This amendment provides \$1,100,000 each year from nongeneral funds for the

support of law enforcement task forces preventing internet crimes against children. The source of funding for this amendment is a new \$10 fee charged to persons convicted of felonies or criminal misdemeanors. This dedicated source of revenue replaces the smaller general fund appropriation which was included in the introduced budget. This amendment is contingent upon final passage of Senate Bill 620.)

Item 384 #5s

Public Safety	FY 10-11	FY 11-12	
Department Of Criminal Justice Services	(\$61,904)	(\$61,904)	GF

Language:

Page 260, line 11, strike "\$76,780,910" and insert "\$76,719,006".

Page 260, line 11, strike "\$76,780,910" and insert "\$76,719,006".

Page 261, lines 16 and 17, strike "1,238,083" and "1,238,083" and insert "1,176,179" and "1,176,179".

Explanation:

(This amendment reduces funding for the Court Appointed Special Advocate (CASA) program by \$61,904 each year from the general fund. This represents a reduction of five percent compared to the budget, as introduced. The cumulative reduction in this grant is 23.3 percent, when compared to the appropriation as adopted by the 2008 General Assembly.)

Item 384 #6s

Public Safety	FY 10-11	FY 11-12	
Department Of Criminal Justice Services	(\$85,000)	(\$85,000)	GF

Language:

Page 260, line 11, strike "\$76,780,910" and insert "\$76,695,910".

Page 260, line 11, strike "\$76,780,910" and insert "\$76,695,910".

Page 263, strike lines 4 through 7.

Explanation:

(This amendment eliminates a grant of \$85,000 each year from the general fund for the Virginia Center for Policing Innovation for Spanish language training.)

Item 384 #7s

Public Safety	FY 10-11	FY 11-12	
Department Of Criminal Justice	(\$500,000)	(\$942,443)	GF
Services	-9.00	-9.00	FTE

Language:

Page 260, line 11, strike "\$76,780,910" and insert "\$76,280,910".

Page 260, line 11, strike "\$76,780,910" and insert "\$75,838,467".

Explanation:

(This amendment reduces the general fund appropriation for the agency by \$500,000 the first year, \$942,443 the second year, and nine positions each year.)

Item 386 #2s

Public Safety	FY 10-11	FY 11-12	
Department Of Criminal Justice	\$10,278,659	\$10,278,659	GF
Services			

Language:

Page 262, line 23, strike "\$160,571,263" and insert "\$170,849,922".

Page 262, line 23, strike "\$160,571,263" and insert "\$170,849,922".

Page 262, line 32, strike "\$160,571,263" and "\$160,571,263" and insert "\$170,849,922 and \$170,849,922".

Explanation:

(This amendment increases funding for state aid to localities with police departments (the House Bill 599 Program) by \$10,278,659 each year from the general fund. This provides a total of \$170.9 million each year for this program, from all fund sources, which is about 8.0 percent less than the amount which would have been provided under the statutory formula in fiscal year 2011.)

Item 395 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Fire Programs	\$20,000	\$20,000	NGF

Language:

Page 266, line 13, strike "\$2,662,180" and insert "\$2,682,180".
Page 266, line 13, strike "\$2,732,065" and insert "\$2,752,065".

Explanation:

(This amendment provides \$20,000 each year from nongeneral funds for a new program to require that all persons who operate fireworks shows in the Commonwealth must be certified by the State Fire Marshal's Office to insure that they are minimally knowledgeable and qualified to perform that function. This amendment is contingent upon final passage of Senate Bill 8.)

Item 396 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Forensic Science	(\$271,983)	(\$282,728)	GF
	-2.00	-2.00	FTE

Language:

Page 266, line 28, strike "\$36,653,917" and insert "\$36,381,934".

Page 266, line 28, strike "\$36,690,314" and insert "\$36,407,586".

Page 267, following line 4, insert:

"In implementing the additional reductions contained in this Item, the Department of Forensic Science shall develop a plan, subject to the approval of the Secretary of Public Safety, to reduce administrative expenses, including two management or supervisory level positions so as to increase management span of control. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by July 15, 2010."

Explanation:

(This amendment reduces the agency budget by \$271,983 the first year and \$282,728 the second year and two positions each year from the general fund.)

Item 397 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Juvenile Justice	(\$400,000)	(\$400,000)	GF

Language:

Page 267, line 12, strike "\$2,312,041" and insert "\$1,912,041".

Page 267, line 12, strike "\$2,312,041" and insert "\$1,912,041".

Explanation:

(This amendment eliminates funding for one of the three state-operated halfway houses, for a reduction of \$400,000 each year from the general fund.)

Item 399 #1s

Public Safety

Department Of Juvenile Justice

FY 10-11

(\$2,500,000)

FY 11-12

(\$2,500,000)

GF

Language:

Page 267, line 35, strike "\$49,709,673" and insert "\$47,209,673".

Page 267, line 35, strike "\$49,709,673" and insert "\$47,209,673".

Page 268, line 23, strike "13,436,192" and "13,436,192" and insert "10,936,192" and "10,936,192".

Explanation:

(This amendment reduces state aid for the Virginia Juvenile Community Crime Control Act by \$2,500,000 each year from the general fund.)

Item 400 #1s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 269, following line 37, insert:

"C. The Department of Juvenile Justice, with the assistance of the Department of General Services, the Department of Historic Resources, and the Virginia Economic Development Partnership shall work with the County of Rockbridge and other appropriate local entities to address the future use of the property comprising the Natural Bridge Juvenile Correctional Center. A report outlining potential options for re-use and redevelopment of this property shall be provided to the Governor, the Secretaries of Public Safety, Administration, Natural Resources, and Commerce and Trade, and the Chairmen of the Senate Finance and House Appropriations Committees, by October 1, 2010."

Explanation:

(This amendment provides for a study of potential options for the re-use or

redevelopment of Natural Bridge Juvenile Correctional Center.)

Item 400 #2s

Public Safety	FY 10-11	FY 11-12	
Department Of Juvenile Justice	(\$1,470,000)	(\$1,470,000)	GF

Language:

Page 269, line 7, strike "\$81,624,903" and insert "\$80,154,903".

Page 269, line 7, strike "\$81,624,903" and insert "\$80,154,903".

Explanation:

(This amendment reduces funding for the agency by \$1,470,000 each year from the general fund to reflect additional savings from turnover and vacancy.)

Item 401 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Juvenile Justice	(\$400,000)	(\$400,000)	GF
	-3.00	-3.00	FTE

Language:

Page 269, line 38, strike "\$17,082,177" and insert "\$16,682,177".

Page 269, line 38, strike "\$17,082,177" and insert "\$16,682,177".

Page 269, following line 49, insert:

"In implementing the position reductions contained in this Item, the Department of Juvenile Justice shall develop a plan, subject to the approval of the Secretary of Public Safety, to reduce administrative expenses, including three management or supervisory level positions in the central office so as to increase management span of control. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by July 15, 2010."

Explanation:

(This amendment reduces the agency's budget by \$400,000 and three positions each year from the general fund.)

Item 403 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Military Affairs	(\$600,000)	(\$1,335,213)	GF

Language:

Page 270, line 11, strike "\$3,774,838" and insert "\$3,174,838".

Page 270, line 11, strike "\$3,774,838" and insert "\$2,439,625".

Explanation:

(This amendment eliminates \$600,000 the first year and \$1,335,213 the second year from the general fund for the Commonwealth Challenge program.)

Item 407 #1s

Public Safety

Department Of State Police

Language

Language:

Page 272, following line 25, insert:

"H. Notwithstanding the provisions of Section 19.2-392(B) of the Code of Virginia, the fee for the first fingerprint card shall not exceed \$25 and the fee for each successive fingerprint card shall not exceed \$15."

Explanation:

(This amendment permits the Department of State Police to adjust the fees charged for fingerprints required for criminal background checks.)

Item 408 #2s

Public Safety	FY 10-11	FY 11-12	
Department Of State Police	\$600,000	\$600,000	NGF

Language:

Page 272, line 27, strike "\$212,684,300" and insert "\$213,284,300".

Page 272, line 27, strike "\$211,251,317" and insert "\$211,851,317".

Page 274, after line 17, insert:

"O.1 Out of the amounts appropriated for this Item, \$600,000 the first year and \$600,000 the second year from nongeneral funds shall be distributed to the department to expand the operations of the Northern Virginia Internet Crimes Against

Children Task Force.

2. Pursuant to Item 384.I.2., the Northern Virginia Internet Crimes Against Children Task Force shall provide a report to the Department of Criminal Justice Services on the actual expenditures and performance results achieved each year. Copies of this report shall be provided to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees prior to the distribution of funds each year."

Explanation:

(This amendment provides \$600,000 each year from nongeneral funds for the Northern Virginia Internet Crimes Against Children Task Force operated by the Department of State Police. The source of the nongeneral funds is a new \$10 fee charged to persons convicted of felonies or criminal misdemeanors. This amendment is contingent upon final passage of Senate Bill 620.)

Item 408 #6s

Public Safety	FY 10-11	FY 11-12	
Department Of State Police	(\$452,723)	(\$452,723)	GF
	\$452,723	\$452,723	NGF

Language:

Page 273, line 14, strike "2,645,375" and "2,645,375" and insert "3,098,098" and "3,098,098".

Explanation:

(This amendment supplants \$452,723 each year from the general fund for the State Police Med-flight program, with an equal amount of nongeneral funds each year from the Rescue Squad Assistance Fund in the Department of Health. A companion amendment raises the \$4.25-for-Life fee to \$6-for-Life. This is one component of the annual automobile registration fee.)

Item 408 #7s

Public Safety	FY 10-11	FY 11-12	
Department Of State Police	(\$1,200,000)	(\$1,300,000)	GF

Language:

Page 272, line 27, strike "\$212,684,300" and insert "\$211,484,300".

Page 272, line 27, strike "\$211,251,317" and insert "\$209,951,317".

Explanation:

(This amendment reduces the agency's budget by \$1,200,000 the first year and \$1,300,000 the second year from the general fund to reflect the postponement of additional Basic Trooper Schools into the 2012-14 biennium.)

Item 413 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Veterans Services	\$30,000	\$30,000	GF

Language:

Page 275, line 18, strike "\$5,445,226" and insert "\$5,475,226".

Page 275, line 18, strike "\$5,445,226" and insert "\$5,475,226".

Page 275, following line 35, insert:

"D. Out of the amounts appropriated in this Item, \$30,000 each year from the general fund is provided for the continued development of an automated system for the processing of veterans' claims, including improvements to the agency's existing computer systems. In designing this automated claims processing system, the agency shall ensure (1) that the appropriate information is collected on veterans' claims in order to expedite processing of Virginia veterans' claims by the U.S. Department of Veterans' Affairs, and (2) that any system developed is capable of electronically submitting veterans' claims to the U.S. Department of Veterans' Affairs as that federal agency develops such capabilities in the future."

Explanation:

(This amendment provides \$30,000 each year from the general fund for the further development of an automated system for processing Virginia veterans' claims for federal benefits.)

Item 414 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Veterans Services	\$400,000	\$400,000	GF
	1.00	1.00	FTE

Language:

Page 275, line 37, strike "\$1,070,757" and insert "\$1,470,757".

Page 275, line 37, strike "\$1,070,757" and insert "\$1,470,757".

Explanation:

(This amendment provides \$400,000 and one position each year from the general fund for operating expenses for the Paul and Phyllis Galanti Education Center at the Virginia War Memorial, which will open in mid-2010. No funds were included in the budget, as introduced, for operating expenses for this new facility.)

Item 414 #2s

Public Safety	FY 10-11	FY 11-12	
Department Of Veterans Services	\$200,000	\$200,000	GF
	\$15,000	\$15,000	NGF
	4.00	4.00	FTE

Language:

Page 275, line 37, strike "\$1,070,757" and insert "\$1,285,757".

Page 275, line 37, strike "\$1,070,757" and insert "\$1,285,757".

Explanation:

(This amendment provides \$200,000 and four positions each year from the general fund, and \$15,000 each year from nongeneral funds, to operate the new Southwest Virginia Veterans Cemetery at Radford. A companion amendment to Item 426 in Senate Bill 29 provides start-up funding for fiscal year 2010.)

Item 414 #3s

Public Safety	FY 10-11	FY 11-12	
Department Of Veterans Services	\$25,000	\$0	GF

Language:

Page 275, line 37, strike "\$1,070,757" and insert "\$1,095,757".

Page 276, before line 1, insert "A."

Page 276, after line 3, insert:

"B. Out of the amounts appropriated for this Item, \$25,000 the first year from the general fund is provided for the department to purchase burial vaults for purchase at cost by veterans and their families for use in burials performed at the Amelia Veterans Cemetery and the necessary equipment for installation of burial vaults. The department shall use the proceeds from the sale of the burial vaults to purchase

additional vaults as needed."

Explanation:

(This amendment provides \$25,000 the first year from the general fund for the provision of burial vaults that may be purchased at cost by veterans and their families for burials performed at the Amelia Veterans Cemetery.)

Item 416 #1s

Public Safety

Virginia Parole Board

Language

Language:

Page 276, at the beginning of line 23, insert "A."

Page 276, following line 25, insert:

"B.1. Absent compelling reasons to the contrary, the Virginia Parole Board shall grant a petition for geriatric release filed in accordance with Section 53.1-40.01 of the Code of Virginia, and shall grant discretionary parole to any inmate eligible therefore, with respect to any inmate who is terminally ill or permanently and totally disabled.

2. Compelling reasons may include reliance on any evidence-based risk assessment tool developed by the Virginia Criminal Sentencing Commission for consideration of candidates for parole or geriatric release that is consistent with best practices.

3. Any decision to deny geriatric release or discretionary parole in the foregoing cases shall be accompanied by fact-specific individualized reasons for such denial, which weighs any material post-sentencing factors against the nature and circumstances of the offense. Nothing in this provision is intended to deprive any other inmate of the right established in Title 53.1 to fair and meaningful consideration for parole and geriatric release.

4. For purposes of this provision, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment or deformity that can be expected to result in death or can be expected to last for the duration of such person's life, and "terminally ill" means having an illness or sickness where the medical prognosis is the person's death within six months or less. The burden of demonstrating that an inmate is permanently and totally disabled or terminally ill shall be on the inmate and may not be satisfied without competent medical evidence."

Explanation:

(This amendment establishes a standard by which the Parole Board is required to

grant petitions for geriatric release and petitions for discretionary parole in cases involving the terminal illness or permanent and total disability of a geriatric inmate, regardless of whether or not the inmate has reached the current required age standards. This amendment would continue to permit the Board to deny parole where there are good reasons for doing so. This is one of a series of amendments to enable the criminal justice system to manage its workload effectively during a period of severe budget reductions.)

Item 416 #2s

Public Safety	FY 10-11	FY 11-12	
Virginia Parole Board	(\$62,553)	(\$62,553)	GF

Language:

Page 276, line 19, strike "\$739,310" and insert "\$676,757".

Page 276, line 19, strike "\$613,407" and insert "\$550,854".

Page 414, line 23, strike "125,107" "125,107" and "125,107" and insert "62,554" "62,554" and "62,554".

Explanation:

(This amendment reduces the salary of the Chairman of the Parole Board by fifty percent. It is the intention of this amendment that the Chairman's position become part-time as of July 1, 2010, as are the other four members of the Parole Board, in the budget, as introduced.)

Item 417 #1s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$12,628,029	\$12,079,990	GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$379,719,195".

Page 276, line 32, strike "\$367,755,709" and insert "\$379,835,699".

Page 279, strike lines 36 to 39.

Explanation:

(This amendment provides \$12.1 million GF the first year and \$12.1 million GF the second year to restore law enforcement deputy sheriff positions at a ratio of one deputy per 1,500 locality population, per Section 15.2-1609.1, Code of Virginia. An additional 375 positions for Sheriffs are added to the position count table in Item 424,

paragraph B.1.)

Item 417 #3s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$3,174,139	\$3,174,139	GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$370,265,305".

Page 276, line 32, strike "\$367,755,709" and insert "\$370,929,848".

Page 278, line 37, following "is", strike "removed" and insert, "suspended for any individual who was not participating in the program on January 1, 2010."

Page 279, line 27, following "is", strike "removed" and insert, "suspended for any individual who was not participating in the program on January 1, 2010."

Explanation:

(This amendment provides \$3.2 million GF the first year and \$3.2 million GF the second year to restore funding for the Master Deputy and Sheriffs' career development programs.)

Item 417 #11s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$350,790,718)	(\$338,081,539)	GF
	(\$16,300,448)	(\$29,674,170)	NGF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$0".

Page 276, line 32, strike "\$367,755,709" and insert "\$0".

Page 276, strike lines 31-45.

Page 277, strike lines 1-53.

Page 278, strike lines 1-54.

Page 279, strike lines 1-43.

Explanation:

(This is one of a series of amendments to Items 417 through 224 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain

adjustments.)

Item 417 #12s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$23,300,000	\$23,300,000	GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$390,391,166".

Page 276, line 32, strike "\$367,755,709" and insert "\$391,055,709".

Explanation:

(This amendment provides \$23.3 million GF the first year and \$23.3 million GF the second year to restore the one-time general fund reduction taken in FY 2010 which supplanted general funds with federal Byrne Justice Assistance Grant funds.)

Item 417 #13s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$515,678)	\$239,782	GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$366,575,488".

Page 276, line 32, strike "\$367,755,709" and insert "\$367,995,491".

Page 279, line 32, strike "\$2,326,937" and insert "\$1,811,259".

Page 279, line 32, strike "\$2,443,441" and insert "\$2,683,423".

Explanation:

(This amendment adjusts appropriated funding for Pittsylvania and Patrick County jail construction projects. The introduced budget bill provided funding for Pittsylvania County Jail as of December 1, 2010, but the opening date has been delayed until July 1, 2011. A funding correction is also addressed for the Patrick County Jail expansion project as funding was inadvertently withheld in the introduced bill.)

Item 417 #14s

Public Safety	FY 10-11	FY 11-12	
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Compensation Board (\$29,436,694) (\$28,508,688) GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$337,654,472".

Page 276, line 32, strike "\$367,755,709" and insert "\$339,247,021".

Page 279, following line 43, insert:

"P. The Compensation Board shall reimburse localities at 93 percent of the Compensation Board approved budgeted amounts for Sheriffs and regional jails, and 93 percent for the salaries of the Sheriffs and Regional Jail Administrators."

Explanation:

(This amendment captures savings of \$29.4 million GF the first year and \$28.5 million GF the second year from a 7 percent across-the-board reduction in Compensation Board reimbursements for sheriffs and regional jails. When combined with other actions the net reduction for these offices is approximately 8 percent.)

Item 417 #15s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$30,170,398	\$30,170,398	GF

Language:

Page 276, line 32, strike "\$367,091,166" and insert "\$397,261,564".

Page 276, line 32, strike "\$367,755,709" and insert "\$397,926,107".

Explanation:

(This amendment provides \$30.2 million GF the first year and \$30.2 million GF the second year to restore selected reductions in sheriffs offices and regional jails.)

Item 418 #4s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$6,294,242)	(\$6,294,242)	GF

Language:

Page 279, line 45, strike "\$51,102,382" and insert "\$44,808,140".

Page 279, line 45, strike "\$53,352,871" and insert "\$47,058,629".

Page 280, strike lines 34 to 37.

Page 280, following line 33, insert:

"1. For inmates with sentences of less than one year--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.

2. For inmates with sentences of less than one year:

a. Who are being held awaiting trial for additional felony charges--\$0 (zero) per inmate day.

b. With all pending charges adjudicated:

i. \$8 per inmate day—for up to sixty days following the mailing by certified letter or electronic transmission to the Department of Corrections of the final court order within thirty days after the order being issued.

ii. \$14 per inmate day—on and after the sixty-first day following the mailing by certified letter or electronic transmission to the Department of Corrections of the final court order within thirty days after the order being issued.

iii. \$14 per inmate day—on and after the ninety-first day following the date of final sentence, if the final court order was not mailed by certified letter or electronic transmission to the Department of Corrections within thirty days after the order being issued. "

Page 280, following line 37, insert:

"3. Payments for the purposes of this paragraph shall cease once available funds are expended."

Page 282, line 15, strike "\$8" and insert "\$14".

Explanation:

(This amendment provides for per diem payment rates for maintenance of prisoners in local and regional jails at \$4 per prisoner day for prisoners with sentences less than one year, and the FY 2010 level of \$14 for prisoners with sentences of one year or more. There would be no per diem payment for prisoners awaiting trial. Payments shall cease once available funds are expended.)

Item 418 #5s

Public Safety

Compensation Board

FY 10-11

(\$51,102,382)

FY 11-12

(\$53,352,871) GF

Language:

Page 279, line 45, strike "\$51,102,382" and insert "\$0".

Page 279, line 45, strike "\$53,352,871" and insert "\$0".

Page 279, strike lines 44-48.

Page 280, strike lines 1-49.

Page 281, strike lines 1-55.
Page 282, strike lines 1-34.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 418 #6s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$19,587,855	\$19,261,325	GF

Language:

Page 279, line 45, strike "\$51,102,382" and insert "\$70,690,237".
Page 279, line 45, strike "\$53,352,871" and insert "\$72,614,196".

Explanation:

(This amendment provides \$19.3 million GF the first year and \$19.3 million GF the second year to restore selected reductions in per diem payments for maintenance of prisoners in local and regional jails.)

Item 419 #4s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$623,140)	(\$623,140)	GF

Language:

Page 282, line 36, strike "\$623,140" and insert "\$0".
Page 282, line 36, strike "\$623,140" and insert "\$0".
Page 282, strike lines 35-53.
Page 283, strike lines 1-24.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the

Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 419 #5s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$686,342)	(\$686,342)	GF

Language:

Page 282, line 36, strike "\$623,140" and insert "(\$63,202)".

Page 282, line 36, strike "\$623,140" and insert "(\$63,202)".

"D. Notwithstanding the provisions of paragraphs B. and D. of § 15.2-1636.14, Code of Virginia, the Compensation Board shall reimburse localities at 45 percent of the Compensation Board approved budgeted amounts for the salaries, expenses and other allowances of local Directors of Finance, except that for the salaries of the appointed Directors of Finance, the Compensation Board shall reimburse localities at 45 percent of the amount of such salaries paid during the fiscal year ended June 30, 1980 plus 90 percent of all increases to such salaries occurring after June 30, 1980."

Explanation:

(This amendment captures savings of \$0.7 million GF the first year and \$0.7 million GF the second year from a 10 percent across-the-board reduction in Compensation Board reimbursements for local Directors of Finance. When combined with other actions the net reduction for these offices is approximately 9.8 percent.)

Item 419 #6s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$6,240,284	\$6,240,284	GF

Language:

Page 282, line 36, strike "\$623,140" and insert "\$6,863,424".

Page 282, line 36, strike "\$623,140" and insert "\$6,863,424".

Explanation:

(This amendment provides \$6.2 million GF the first year and \$6.2 million GF the second year to restore selected reductions for local Directors of Finance.)

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$9,368,007)	(\$9,368,007)	GF

Language:

Page 283, line 26, strike "\$9,368,007" and insert "\$0".

Page 283, line 26, strike "\$9,368,007" and insert "\$0".

Page 283, strike lines 25-50.

Page 284, strike lines 1-24.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$2,047,209)	(\$2,047,209)	GF

Language:

Page 283, line 26, strike "\$9,368,007" and insert "\$7,320,798".

Page 283, line 26, strike "\$9,368,007" and insert "\$7,320,798".

Page 284, following line 24, insert:

"D. Notwithstanding the provisions of paragraphs B. and D. of § 15.2-1636.14, Code of Virginia, the Compensation Board shall reimburse localities at 45 percent of the Compensation Board approved budgeted amounts for the salaries, expenses and other allowances of local Commissioners of the Revenue, except that for the salaries of the elected Commissioners, the Compensation Board shall reimburse localities at 45 percent of the amount of such salaries paid during the fiscal year ended June 30, 1980 plus 90 percent of all increases to such salaries occurring after June 30, 1980."

Explanation:

(This amendment captures savings of \$2.0 million GF the first year and \$2.0 million GF the second year from a 10 percent across-the-board reduction in

Compensation Board reimbursements for local Commissioners of the Revenue. When combined with other actions the net reduction for these offices is approximately 9.8 percent.)

Item 420 #5s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$10,762,032	\$10,762,032	GF

Language:

Page 283, line 26, strike "\$9,368,007" and insert "\$20,130,039".

Page 283, line 26, strike "\$9,368,007" and insert "\$20,130,039".

Explanation:

(This amendment provides \$10.8 million GF the first year and \$10.8 million GF the second year to restore selected reductions for local Commissioners of the Revenue.)

Item 420 #6s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$501,907	\$501,907	GF

Language:

Page 283, line 26, strike "\$9,368,007" and insert "\$9,869,914".

Page 283, line 26, strike "\$9,368,007" and insert "\$9,869,914".

Page 284, line 21, following "is", strike "removed" and insert, "suspended for any individual who was not participating in the program on January 1, 2010."

Explanation:

(This amendment provides \$0.5 million GF the first year and \$0.5 million GF the second year to restore funding for the Commissioners of the Revenue career development programs.)

Item 421 #1s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$55,271,427)	(\$55,271,427)	GF

Language:

- Page 284, line 26, strike "\$55,271,427" and insert "\$0".
- Page 284, line 26, strike "\$55,271,427" and insert "\$0".
- Page 284, strike lines 25-50.
- Page 285, strike lines 1-48.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 421 #2s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$4,650,315)	(\$4,650,315)	GF

Language:

- Page 284, line 26, strike "\$55,271,427" and insert "\$50,621,112".
- Page 284, line 26, strike "\$55,271,427" and insert "\$50,621,112".
- Page 285, following line 48, insert:

"J. The Compensation Board shall reimburse localities at 93 percent of the Compensation Board approved budgeted amounts for the offices of local Commonwealth's Attorneys and 93 percent for the salaries of the Commonwealth's Attorneys."

Explanation:

(This amendment captures savings of \$4.7 million GF the first year and \$4.7 million GF the second year from a 7 percent across-the-board reduction in Compensation Board reimbursements for local Commonwealth's Attorneys. When combined with other actions the net reduction for these offices is approximately 6.7 percent.)

Item 421 #3s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$10,160,855	\$10,160,855	GF

Language:

Page 284, line 26, strike "\$55,271,427" and insert "\$65,432,282".

Page 284, line 26, strike "\$55,271,427" and insert "\$65,432,282".

Explanation:

(This amendment provides \$10.2 million GF the first year and \$10.2 million GF the second year to restore selected reductions for local Commonwealth's Attorneys.)

Item 421 #4s

Public Safety

Compensation Board

FY 10-11

\$812,757

FY 11-12

\$812,757 GF

Language:

Page 284, line 26, strike "\$55,271,427" and insert "\$56,084,184".

Page 284, line 26, strike "\$55,271,427" and insert "\$56,084,184".

Page 285, line 48, following "is", strike "removed" and insert, "suspended for any individual who was not participating in the program on January 1, 2010."

Explanation:

(This amendment provides \$0.8 million GF the first year and \$0.8 million GF the second year to restore funding for the Commonwealth's Attorneys career development programs.)

Item 422 #1s

Public Safety

Compensation Board

Language

Language:

Page 287, following line 13, insert:

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

Explanation:

(This amendment allows the Newport News Circuit Court Clerk to use up to \$100,000 the first year and \$100,000 the second year of its Technology Trust Fund monies for operating expenses.)

Item 422 #3s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$32,608,049)	(\$32,608,049)	GF
	(\$14,229,597)	(\$14,229,597)	NGF

Language:

Page 285, line 49, strike "\$46,837,646" and insert "\$0".

Page 285, line 49, strike "\$46,837,646" and insert "\$0".

Page 285, strike lines 49-54.

Page 286, strike lines 1-52.

Page 287, strike lines 1-52.

Page 288, strike lines 1-13.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 422 #4s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$4,218,150)	(\$4,218,150)	GF

Language:

Page 285, line 49, strike "\$46,837,646" and insert "\$42,619,496".

Page 285, line 49, strike "\$46,837,646" and insert "\$42,619,496".

Page 288, following line 13, insert:

"N. The Compensation Board shall reimburse localities at 90 percent of the Compensation Board approved budgeted amounts for the offices of local Circuit Court Clerks and 90 percent for the salaries of the Circuit Court Clerks."

Explanation:

(This amendment captures savings of \$4.2 million GF the first year and \$4.2 million GF the second year from a 10 percent across-the-board reduction in Compensation Board reimbursements for local Circuit Court Clerks. When combined with other actions the net reduction for these offices is approximately 9.5 percent.)

Item 422 #5s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$9,573,439	\$9,573,449	GF

Language:

Page 285, line 49, strike "\$46,837,646" and insert "\$56,411,085".

Page 285, line 49, strike "\$46,837,646" and insert "\$56,411,095".

Explanation:

(This amendment provides \$9.6 million GF the first year and \$9.6 million GF the second year to restore selected reductions for local Circuit Court Clerks.)

Item 423 #5s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$8,546,944)	(\$8,546,944)	GF

Language:

Page 288, line 14, strike "\$8,546,944" and insert "\$0".

Page 288, line 14, strike "\$8,546,944" and insert "\$0".

Page 288, strike lines 14-50.

Page 289, strike lines 1-13.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 423 #6s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	(\$2,032,590)	(\$2,032,590)	GF

Language:

Page 288, line 14, strike "\$8,546,944" and insert "\$6,514,354".

Page 288, line 14, strike "\$8,546,944" and insert "\$6,514,354".

"E. Notwithstanding the provisions of paragraphs B. and D. of § 15.2-1636.14, Code of Virginia, the Compensation Board shall reimburse localities at 45 percent of the Compensation Board approved budgeted amounts for the salaries, expenses and other allowances of local Treasurers, except that for the salaries of the elected Treasurers, the Compensation Board shall reimburse localities at 45 percent of the amount of such salaries paid during the fiscal year ended June 30, 1980 plus 90 percent of all increases to such salaries occurring after June 30, 1980."

Explanation:

(This amendment captures savings of \$2.0 million GF the first year and \$2.0 million GF the second year from a 10 percent across-the-board reduction in Compensation Board reimbursements for local Treasurers. When combined with other actions the net reduction for these offices is approximately 9.7 percent.)

Item 423 #7s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$11,081,831	\$11,081,831	GF

Language:

Page 288, line 14, strike "\$8,546,944" and insert "\$19,628,775".

Page 288, line 14, strike "\$8,546,944" and insert "\$19,628,775".

Explanation:

(This amendment provides \$11.1 million GF the first year and \$11.1 million GF the second year to restore selected reductions for local Treasurers.)

Item 423 #8s

Public Safety	FY 10-11	FY 11-12	
Compensation Board	\$695,231	\$695,231	GF

Language:

Page 288, line 14, strike "\$8,546,944" and insert "\$9,242,175".

Page 288, line 14, strike "\$8,546,944" and insert "\$9,242,175".

Page 289, line 10, following "is", strike "removed" and insert, "suspended for any individual who was not participating in the program on January 1, 2010."

Explanation:

(This amendment provides \$0.7 million GF the first year and \$0.7 million GF the second year to restore funding for the local Treasurers' career development programs.)

Item 424 #7s

Public Safety

Compensation Board

FY 10-11

(\$4,965,347)

FY 11-12

(\$4,965,347) GF

Language:

Page 289, line 14, strike "\$4,965,347" and insert "\$0".

Page 289, line 14, strike "\$4,965,347" and insert "\$0".

Page 289, strike lines 14-52.

Page 290, strike lines 1-53.

Page 291, strike lines 1-55.

Page 292, strike line 1.

Explanation:

(This is one of a series of amendments to Items 417 through 424 which transfers the Compensation Board from the Office of the Secretary of Public Safety back to the Office of the Secretary of Administration. The budget, as introduced, moved the agency from Administration to Public Safety. A series of companion amendments to the Office of Administration restores these funds to Administration, with certain adjustments.)

Item 424 #18s

Public Safety

Compensation Board

FY 10-11

\$113,221

FY 11-12

\$113,221 GF

Language:

Page 289, line 14, strike "\$4,965,347" and insert "\$5,078,568".

Page 289, line 14, strike "\$4,965,347" and insert "\$5,078,568".

Page 291, line 43, following "is" strike "\$993,274" and insert "\$1,004,495".

Page 291, line 43, following "and" strike "\$993,274" and insert "\$1,004,495".

Explanation:

(This amendment provides \$113,221 GF the first year and \$113,221 GF the second year to restore selected reductions for Compensation Board administrative costs.)

Item 424 #19s

Public Safety

Compensation Board

Language

Language:

Page 291, strike lines 54 and 55.

Page 292, strike line 1.

Explanation:

(This amendment strikes language that eliminated Compensation Board reimbursements for VRS retirement contributions and group life insurance premiums.)

Item 424 #20s

Public Safety

Compensation Board

Language

Language:

Page 291, line 33, after "an amount equal to", insert "fifty percent of".

Explanation:

(This amendment restores language that provided Compensation Board payment for fifty percent of the cost of the VARISK liability insurance and surety bond program for constitutional officers.)

Item 425 #2s

Public Safety

Compensation Board

Language

Language:

Page 292, strike lines 2 through 8.

Explanation:

(This amendment eliminates language that would have allowed local governing bodies to create the office of a Director of Finance without a referendum and assign to that office the duties currently performed by locally-elected Treasurers and Commissioners of the Revenue.)

Item 428 #3s

Technology	FY 10-11	FY 11-12	
Innovation And Entrepreneurship Investment Authority	\$1,000,000	\$1,000,000	GF

Language:

Page 293, line 12, strike "\$4,023,750" and insert "\$5,023,750".

Page 293, line 12, strike "\$4,023,750" and insert "\$5,023,750".

Page 294, following line 4, insert:

"I. From the amounts appropriated in this Item \$1,000,000 in the first year and \$1,000,000 in the second year from the general fund shall be allocated to the Commonwealth GAP Fund program to foster the development of Virginia-based technology, biosciences, and energy companies. It is the intent of the General Assembly that this funding shall be used to underwrite immediate first financing for not fewer than 20 new early-stage companies and achieve a rate of return of not less than 11:1. As part of the reporting requirements identified within paragraph D of this Item, the Director of the Center for Innovative Technology shall provide a detailed report on the number of companies and jobs created pursuant to this additional funding."

Explanation:

(This amendment provides \$1 million in each year to fund the GAP program for technology and life-science program administered by the CIT.)

Item 428 #4s

Technology	FY 10-11	FY 11-12	
Innovation And Entrepreneurship	\$1,500,000	\$1,500,000	GF

Investment Authority

Language:

Page 293, line 12, strike "\$4,023,750" and insert "\$5,523,750".

Page 293, line 12, strike "\$4,023,750" and insert "\$5,523,750".

Page 294, following line 4, insert

"I.1. Out of the amounts appropriated in this Item it is the intent of the General Assembly that \$1,500,000 in the first year and \$1,500,000 in the second year from the general fund be allocated to establish a Virginia Biotechnology Wet-Laboratory Program to provide loans or grants to construct, improve, furnish, equip, maintain, acquire, and renovate biotechnology facilities designed to accommodate and provide wet-lab space or other needed laboratory, research, or production space to attract biosciences and other related technology companies to the state, as well as to accommodate the growth of companies already located in Virginia. Funds under this program may be used for loans, loan guarantees, credit enhancement, or grants, in cooperation with, or on behalf of, applying local governments, private development entities, or other qualified applicants under the program guidelines.

2. The promulgation of program guidelines, and any decisions regarding the size and scope of the biotechnology "shell buildings", the selection of sites, and the selection of users, tenants or purchasers of such buildings shall be made by a panel consisting of the Secretary of Technology, the Secretary of Commerce and Trade, the President of the Center for Innovative Technology, the Executive Director of the Virginia Economic Development Partnership, the Executive Director of the Virginia Biotechnology Association and the President of a research university selected by the Council of University and College Presidents. The funds shall be administered in accordance with the provisions of §15.2-941, Code of Virginia. As part of the reporting requirements identified within paragraph D of this Item, the Director of the Center for Innovative Technology shall provide a detailed report on the number of companies and jobs created pursuant to this additional funding."

Explanation:

(This amendment provides \$1.5 million from the general fund in each year of the biennium for the creation of a biotechnology wet-laboratory facilities program to expand the biosciences industry in Virginia. The funding shall be used to construct or renovate biotechnology "shell buildings" designed to attract biosciences and other related technology companies to the State and administered in accordance with the provisions of the Virginia "Shell Building" Initiative.)

Technology	FY 10-11	FY 11-12	
Virginia Information Technologies Agency	\$1,694,282	\$1,694,282	NGF

Language:

Page 294, line 10, strike "\$455,718" and insert "\$2,150,000".

Page 294, line 10, strike "\$455,718" and insert "\$2,150,000".

Page 294, strike lines 9 through 12.

Page 294, after line 8, insert:

"429.

Information Systems Management and Direction (71100) \$2,150,000 \$2,150,000

Geographic Information Access Services (71105) \$2,150,000 \$2,150,000.

Fund Sources: Dedicated Special Revenue \$2,150,000 \$2,150,000".

Explanation:

(This amendment corrects an error in the recording of nongeneral fund technical adjustments to the Virginia Geographic Information Network. A proposed \$847,141 increase was recorded as a decrease, resulting in a net deficit of \$1,694,282 in each year.)

Technology		Language
Virginia Information Technologies Agency		

Language:

Page 296, delete lines 30 and 31.

Explanation:

(This amendment corrects an error of duplication involving service areas. During the 2009 session, two service areas were moved out of the planning and quality control program, Item 433, into the administrative and support program, Item 434. Erroneously, these services areas resurfaced in Item 433.)

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 303, following line 22, insert:

"H. The Chief Information Officer shall analyze and compare the costs of IT goods purchased through the Comprehensive Infrastructure Agreement to costs the Commonwealth would otherwise pay if comparable IT goods were purchased directly by VITA, excluding any goods for which there is an existing internal service fund rate approved by the Joint Legislative Audit and Review Commission, or an approved contractual resource unit. In addition, this analysis shall focus on the status of any outstanding deliverables under the Comprehensive Infrastructure Agreement; including but not limited to the establishment of a service catalog. The analysis shall include the cost of the goods plus all taxes, including sales and personal property taxes, and all applicable overhead rates. If goods were purchased by VITA, identify all required changes to the contract, specific installation procedures and ongoing support requirements including any cost to be charged by the vendor for installation and support of goods purchased by the Commonwealth. VITA shall submit a report of this analysis and comparison to the Chairmen of the Senate Committees on Finance and General Laws and Technology and the House Committees on Appropriations and Science and Technology by December 31, 2010."

Explanation:

(This amendment directs VITA to report to the Senate and House technology and budget committees on an analysis of potential efficiencies or improvements to the procurement of IT goods that are not specifically covered under the Comprehensive Infrastructure Agreement.)

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 303, following line 22, insert:

"H. The Chief Information Officer and the Secretary of Technology shall provide to the Chairmen of the Senate Finance and House Appropriations Committees an analysis of any proposed amendments or modifications to the comprehensive infrastructure agreement, and accompanying statements describing the fiscal impact of such proposed amendments or modifications with such an impact, prior to the execution of the changes."

Explanation:

(This amendment requires the CIO and the Secretary of Technology to provide an analysis of all proposed amendments or modifications to the comprehensive infrastructure agreement including an analysis of costs of modifications to the agencies of the Commonwealth. This information is critical to ensuring that the Appropriations Act accurately reflects the costs incurred by agencies for information technology services.)

Item 434 #3s

Technology

Virginia Information Technologies
Agency

Language

Language:

Page 303, following line 22, insert:

"H. Not later than December 31, 2010, the Virginia Information Technologies Agency shall develop a formal plan describing how it intends to modernize and integrate enterprise applications that support the central administrative functions of the Commonwealth, including financial, human resources, and supply chain functions. The plan should also describe efforts to standardize common data associated with these functions. The plan should include description of (a) modernization and standardization goals and objectives, including benefits to the Commonwealth; (b) the overall approach to modernization, including current and anticipated research activities, application development projects, data standardization efforts, and supporting funding and partnership models; (c) plans for coordinating application development projects and data standardization efforts and managing their dependencies including but not limited to data integration, communications, budgets,

schedules, resource requirements, and risk management planning; and (d) a structure for managing, operating and maintaining new applications and data resources that are delivered through modernization."

Explanation:

(This amendment will continue similar language directing the plan for enterprise applications prior to development.)

Item 443 #1s

Transportation

Department Of Motor Vehicles

Language

Language:

Page 309, line 45, before "The" insert "A."

Page 309, after line 46, insert:

"B. In addition to all other fees imposed under § 62.1-44.34:13, Code of Virginia, there is hereby imposed an additional fee of one-tenth of one cent on each gallon of fuel for which the fee under subsection A of § 62.1-44.34:13, Code of Virginia is imposed. The fee shall be remitted to the Department of Motor Vehicles in the same manner as provided under subsection B of § 62.1-44.34:13, Code of Virginia. The Commissioner of the Department of Motor Vehicles shall collect the fee and shall remit the revenues from the fee into the state treasury. As soon as practicable after such remittance, the Comptroller shall deposit the revenues from the fee into the Weights and Measures Fund established under § 3.2-5628 to be used as provided in § 3.2-5609, Code of Virginia."

Explanation:

(This amendment is a companion amendment to Item 88 to fund the Weights and Measures Inspection program pursuant to Senate Bill 261, which passed the Senate.)

Item 447 #3s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 312, strike lines 3 through 21.

Explanation:

(This amendment removes language that would dedicate a portion of transit capital funding authorized under the Commonwealth of Virginia Transportation Capital Projects Revenue Bonds debt obligation from HB 3202 (2007) to fund land use planning and development grants authorized by Office of Intermodal Planning and Investment within the Department of Transportation.)

Item 447 #4s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

page 311, following line 28, insert:

"c. Notwithstanding the provisions of paragraph A.1.a and A.1.b of this Item, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the Commonwealth Mass Transit Fund dedicated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, in an effort to maintain transit operations at approximately the same level as the previous fiscal share."

Explanation:

(This amendment provides the Commonwealth Transportation Board the flexibility to temporarily dedicate up to 20 percent of transit capital improvement funds to transit operating grant funds.)

Item 448 #1s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 312, following line 40, insert:

D. Not later than December 31, 2010, the Director shall provide the Commonwealth

Transportation Board an assessment of the anticipated ridership and funding required to support a pilot project of daily bus connector service from the Roanoke Valley to the Kemper Street Station in Lynchburg as part of the on-going three year passenger rail demonstration project. Any support of this transit connector service shall be terminated if the Route 29 rail corridor project is not continued at the conclusion of the three year demonstration period.

Explanation:

(This amendment directs the DRPT to work with the City of Roanoke and local transit providers to identify funding and positions for a pilot program providing commuter bus connector service between Roanoke and the Kemper Street Station in Lynchburg as part of the on-going passenger rail demonstration project.)

Item 452 #2s

Transportation

Department Of Transportation

Language

Language:

Page 314, following line 47, insert:

"G. Pursuant to the provisions of the Memorandum of Agreement between the Commonwealth of Virginia Department of Transportation and the Metropolitan Washington Airport Authority, in conjunction with the construction of rail mass transit in the right of way of the Dulles Access/Toll Road Connector (DATRC), sound walls shall be constructed along residential properties from the beginning of the DATRC to Interstate Route 495 with funding from the Commonwealth Transportation Fund."

Explanation:

(This amendment directs the construction of sound barriers along the Dulles Access Toll Road Connector corridor as part of the current rail mass transit project. The Connector is state controlled highway that is not part of the actual Toll Road controlled by the Authority)

Item 453 #1s

Transportation

Department Of Transportation

Language

Language:

Page 315, following line 28 insert:

"F. Prior to undertaking any network capacity improvements or other enhancements to roads intersecting with State Route 193 ("Georgetown Pike"), including the intersection with State Route 7, the Commissioner, in coordination with the Director of the Department of Historic Resources, shall ensure that any proposed improvements respect the historic nature of Georgetown Pike."

Explanation:

(This amendment requires VDOT to respect the historic nature of Georgetown Pike when making capacity improvements or other enhancements, including its intersection with Route 7.)

Item 457 #3g

Transportation

Department Of Transportation

Language

Language:

Page 320, line 22, after "the", strike remainder of line.

Page 320, line 23, strike "Applications Program (VEAP) Office Director" and insert: "Chief Application Officer (CAO) of the Virginia Information Technologies Agency".

Page 320, line 24, strike "VEAP Office Director" and insert "CAO".

Page 320, line 26, after "the", strike "VEAP Office Director" and insert "CAO".

Explanation:

(This amendment corrects references to the Virginia Information Technologies Agency's (VITA) Enterprise Applications Division. References to "the Virginia Enterprise Applications Program (VEAP) Office Director" should be changed to "the Chief Application Officer (CAO)" since the VEAP office was merged into VITA in Chapter 781 for fiscal year 2010.)

Item 468 #1s

Central Appropriations

Central Appropriations

FY 10-11

\$1,979,124

FY 11-12

(\$1,995,437) NGF

Language:

Page 326, line 35, strike "\$88,215,046" and insert "\$90,194,170".

Page 326, line 35, strike "\$88,359,200" and insert "\$86,363,763".

Page 327, line 2, before "the State" insert "on July 1, 2010".

Page 327, line 2, strike "8.5" and insert "10".

Page 327, line 2, after "percent" insert:

"and on July 1, 2011, the State Comptroller shall deposit 7.0 percent".

Page 327, line 4, strike "11,215,046" and insert "13,194,170".

Page 327, line 5, strike "11,359,200" and insert "9,363,763".

Page 327, line 6, after the period, insert:

"No less than \$4.0 million from anti-tobacco marketing activities in FY 2011 shall be allocated for obesity prevention activities."

Page 327, line 7, strike "8.5" and insert "10".

Page 327, line 8, after "percent" insert:

"in FY 2011 and 7.0 percent in FY 2012".

Explanation:

(This amendment modifies a proposal in the introduced budget to transfer 1.5 percent of revenues dedicated to the Virginia Tobacco Settlement Fund (VTSF) to the General Fund each year of the biennium to supplant general fund support for the Family Access to Medical Insurance Security (FAMIS) program. This amendment eliminates the first year transfer from the VTSF to the General Fund, but increases the second year amount to \$4.0 million. Language is also modified to require that at least \$4.0 million of funds available for anti-tobacco marketing be used for obesity prevention. A separate amendment to Item 296 and 297 reflect these changes.)

Item 469 #11s

Central Appropriations

Central Appropriations

Language

Language:

Page 331, line 28, strike "July 1, 2010" and insert "July 1, 2009".

Page 331, line 33, strike "July 1, 2010" and insert "July 1, 2009".

Explanation:

(This amendment corrects the eligibility date contained in budget bill language for VSDP benefits. Specifically, language in the budget bill provides for a waiting period on sickness and disability benefits for employees hired after July 1, 2010. The current Appropriation Act provides for the same for employees hired after July 1, 2009. The eligibility date in the introduced budget was inadvertently changed from

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$35,070,551)	(\$36,124,002)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$73,340,692".

Page 327, line 15, strike "\$11,041,200" and insert "\$25,082,802".

Page 333, following line 42, insert:

"P.1. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$35,070,551 the first year and \$36,124,002 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from suspension of premiums for the group life insurance program.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$9,806,575 the first year and \$10,232,896 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with savings resulting from changes in contribution rates for state employee benefits as provided for in this paragraph."

Explanation:

(This amendment captures savings of \$45.3 million (all funds) the first year and \$46.3 million (all funds) the second year from suspending the employer contributions for the group life insurance program.)

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$11,688,366)	(\$12,196,542)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$49,958,507".

Page 327, line 15, strike "\$11,041,200" and insert "\$1,155,342".

Page 333, following line 42, insert:

"P.1. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$11,688,366 the first year and \$12,196,542 the

second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from suspension of premiums for the Virginia Sickness and Disability Program.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$8,655,439 the first year and \$9,031,75 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with savings resulting from changes in contribution rates for state employee benefits as provided for in this paragraph."

Explanation:

(This amendment captures savings of \$20.3 million (all funds) the first year and \$21.2 million (all funds) the second year from suspending the employer contributions for the Virginia Sickness and Disability Program.)

Item 469 #14s

Central Appropriations

Central Appropriations

FY 10-11

(\$205,548,568)

FY 11-12

(\$209,802,149)

GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$243,818,709".

Page 327, line 15, strike "\$11,041,200" and insert "\$198,760,949".

Page 329, strike lines 27 to 30, and insert:

"6. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be established by the actuary designated by the Board of Trustees of the Virginia Retirement System using the actuarial assumptions set out in paragraph 5, and taking into consideration such legislation as may be passed by the General Assembly and signed by the Governor.

7. It is the intent of the General Assembly that local savings related to the funded rates for public school teachers be used to help maintain local school funding levels."

Page 329, following line 44, insert:

"11. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$205,548,568 the first year and \$209,802,149 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost plus twenty percent of the unfunded actuarial accrued liability.

12. Pursuant to § 3-1.01 of this act, amounts estimated at \$46,256,697 the first year and \$46,256,697 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with savings resulting from changes in contribution rates for state employee benefits as provided for in this paragraph."

Explanation:

(This amendment captures savings of \$251.8 million (all funds) the first year and \$256.1 million (all funds) the second year from limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost plus twenty percent of the unfunded actuarial accrued liability.)

Item 469 #15s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$21,200,000)	(\$49,200,000)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$59,470,141".

Page 327, line 15, strike "\$11,041,200" and insert "\$38,158,800".

Page 329, strike lines 27 to 30, and insert:

"6. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be established by the actuary designated by the Board of Trustees of the Virginia Retirement System using the actuarial assumptions set out in paragraph 5, and taking into consideration such legislation as may be passed by the General Assembly and signed by the Governor."

Page 329, following line 44, insert:

"11. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$21,200,000 the first year and \$49,200,000 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost plus twenty percent of the unfunded actuarial accrued liability.

Explanation:

(This amendment captures savings of \$21.2 million (all funds) the first year and \$49.2 million (all funds) the second year from limiting employer retirement contributions to the Virginia Retirement System pursuant to the Senate substitute for HB 1189.)

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$1,400,000)	(\$1,400,000)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$39,670,141".

Page 327, line 15, strike "\$11,041,200" and insert "\$9,641,200".

Page 329, strike lines 27 to 30, and insert:

"6. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be established by the actuary designated by the Board of Trustees of the Virginia Retirement System using the actuarial assumptions set out in paragraph 5, and taking into consideration such legislation as may be passed by the General Assembly and signed by the Governor."

Page 329, following line 44, insert:

"11. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$1,400,000 the first year and \$1,400,000 the second year, from the general fund appropriations of state agencies, representing the net savings resulting from increasing the maximum retirement age for judges to seventy-three years of age."

Explanation:

(This amendment captures savings of \$1.4 million GF the first year and \$1.4 million GF the second year from increasing the maximum retirement age for judges to seventy-three years of age, pursuant to SB 206.)

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$8,700,000)	(\$8,700,000)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$46,970,141".

Page 327, line 15, strike "\$11,041,200" and insert "\$2,341,200".

Page 329, following line 44, insert:

"11. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$8,700,000 the first year and \$8,700,000 the second

year, from the general fund appropriations of state agencies, representing the net savings resulting from maintaining the reserve for claims that have incurred but not received in the Health Insurance Fund at \$25,000,000."

Explanation:

(This amendment captures savings of \$8.7 million GF the first year and \$8.7 million GF the second year from maintaining the reserve in the Health Insurance Fund at \$25,000,000.)

Item 469 #18s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	\$0	(\$37,231,433)	GF

Language:

Page 327, line 15, strike "\$11,041,200" and insert "\$26,190,233".

Page 328, line 27, strike "\$57,512,461" and insert "\$20,299,028".

Explanation:

(This amendment eliminates the appropriation of \$37.2 million GF the second year for the projected increase in employer health insurance rates.)

Item 469 #19s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$29,932,583)	(\$29,932,583)	GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$68,202,724".

Page 327, line 15, strike "\$11,041,200" and insert "\$18,891,383".

Page 333, following line 42, insert:

"Q.1 The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$29,932,583 the first year and \$29,932,583 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from three furlough days for state employees in each year.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$24,267,417 the first year and \$24,267,417 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings resulting from three furlough days for state employees in each year.

3. For the purposes of this paragraph, "one day" is equivalent to 1/249 of annual salary plus applicable Medicare and Social Security contributions.
4. The reduction in employee compensation resulting from the actions required by this paragraph shall be annualized, and taken from each of the normal twenty-four pay periods.
5. Institutions of higher education may elect to achieve the savings required by this Item through alternative means.
6. The actions required by this paragraph shall not apply to members of the Judicial Retirement System, the state police officers Retirement System, or the Virginia Law Officers Retirement System. "

Explanation:

(This amendment captures savings of \$54.2 million (all funds) the first year and \$54.2 million (all funds) the second year from three furlough days for state employees in each year.)

Item 469 #20s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	\$0	\$82,200,000	GF

Language:

Page 327, line 15, strike "\$11,041,200" and insert "\$93,241,200".

Page 333, following line 42, insert:

- "Q.1.All employees of the Commonwealth, except elected officials, shall receive a one-time bonus payment equal to three percent of base pay on December 16, 2011.
2. Such nongeneral funds as may be required to implement the action authorized by this paragraph are hereby appropriated."

Explanation:

(This amendment provides \$82.2 million GF the second year for a three percent bonus payment to state employees on December 16, 2011.)

Item 469 #21s

Central Appropriations	
Central Appropriations	Language

Language:

Page 328, strike lines 50 to 53.

Page 329, strike lines 1 to 21, and insert:

"H.1. Retirement benefits for public employees shall be governed by the provisions of such legislation as may be passed by the General Assembly and signed by the Governor."

Page 329, line 22, strike "5" and insert "2".

Page 329, strike lines 27 to 30, and insert:

"2. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be established by the actuary designated by the Board of Trustees of the Virginia Retirement System using the actuarial assumptions set out in paragraph 5, and taking into consideration such legislation as may be passed by the General Assembly and signed by the Governor."

Explanation:

(This amendment strikes retirement benefit provisions that are in conflict with legislation that has passed the Senate.)

Item 469 #22s

Central Appropriations

Central Appropriations

Language

Language:

Page 333, after line 42, insert:

"Q. 1. Prior to July 1, 2010, the Secretary of Finance shall develop policies and procedures to govern the payment of reduced employer contribution rates for retirement, group life insurance, and the Virginia Sickness and Disability Program for FY 2011 and FY 2012.

2. Notwithstanding any contrary provision of law, the State Comptroller shall have broad authority to implement the policies and procedures needed to execute the provisions of this section in order to maintain its intended objective and to comply with any accounting standards or requirements of federal law."

Explanation:

(This amendment requires the Secretary of Finance and the State Comptroller to develop and implement policies and procedures for the payment of reduced employer contribution rates for retirement, group life insurance, and the Virginia Sickness and Disability Program for FY 2011 and FY 2012.)

Item 469 #23s

Central Appropriations

Central Appropriations

Language

Language:

Page 333, line 33, following "paragraph." insert:

"The provisions of this paragraph shall not apply to institutions of higher education."

Explanation:

(This amendment allows institutions of higher education to grant salary increases supported by nongeneral fund sources.)

Item 469 #24s

Central Appropriations

Central Appropriations

FY 10-11
\$18,103,973

FY 11-12
\$0 GF

Language:

Page 327, line 15, strike "\$38,270,141" and insert "\$20,166,168".

Explanation:

(This amendment adjusts savings derived from the roll-over of fourth quarter contributions to the Virginia Retirement System by \$18.1 million GF to reflect the lower contributions resulting from the \$508 million GF savings from the Normal +20 percent of the unfunded liability.)

Item 469 #25s

Central Appropriations

Central Appropriations

Language

Language:

Page 329, following line 44, insert:

"11. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost plus twenty percent of the unfunded actuarial accrued liability. In setting the employer retirement contribution rates for the 2012-2014 biennium, and subsequent biennia, the Board shall calculate a separate,

supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the Board's assumed, long-term rate of return. The Governor shall include funds to support payment of such Board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly."

Explanation:

(This amendment requires that the deferred retirement contributions of \$251.8 million (all funds) the first year and \$256.1 million (all funds) the second year from limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost plus twenty percent of the unfunded actuarial accrued liability shall be paid to the Virginia Retirement System over a period of ten years. The payments required are estimated at \$74 million GF annually beginning in FY 2013)

Item 473 #3s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$187,500)	(\$187,500)	GF

Language:

Page 336, line 22, strike "\$266,987" and insert "\$454,487".

Page 336, line 22, strike "\$266,987" and insert "\$454,487".

Page 336, following line 41, insert:

"C. The Director, Department of Planning and Budget shall withhold and transfer to this Item amounts estimated at \$187,500 the first year and \$187,500 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from reductions in printing costs."

Explanation:

(This amendment captures savings of \$187,500 GF the first year and \$187,500 GF the second year from reductions in agency printing expenses.)

Item 473.10 #1s

Central Appropriations	FY 10-11	FY 11-12	
Central Appropriations	(\$50,000,000)	\$0	GF

Language:

Page 336, following line 41

"473.10. (\$50,000,000)

Fund Sources: General

(\$50,000,000)."

Authority: Discretionary Inclusion.

A. The purpose of this Item is to capture savings in state aid to local government programs in a manner that provides localities flexibility in how such savings are implemented. This reversion is necessary as a result of the downward adjustment in general fund revenues caused by the slowing of the Virginia economy.

B. Within 30 days after enactment of this act, the Director of the Department of Planning and Budget, shall provide the chief operating officer of each city and county in the Commonwealth a list of certain state aid to local government programs along with an estimate of the general fund amount for each program that each county and city could expect to receive from the state during each year of the biennium. The total amount listed for these programs will serve as the basis for calculating the savings apportioned to each city and county for this item. The savings apportionment will be equal to the percentage of the aggregate general fund amount for all of these state aid programs in each city and county totaling \$50,000,000 the first year.

C. Each city and county in the Commonwealth shall have flexibility in determining how it will implement the savings apportioned to it. Each city or county can choose to (1) take the total savings out of one program included on the list provided by the Department of Planning and Budget, (2) reduce multiple state aid programs on a proportional basis or by a specified percentage reduction, or (3) reimburse the Commonwealth in aggregate for their share of the savings, thereby keeping the state aid programs at an unreduced level. Each locality may also use number 3 above in combination with 1 or 2. The governing body of each city or county shall make its selection and certify its choice to the Director, Department of Planning and Budget, by August 30, 2010. Within 10 days of receipt, the Director, Department of Planning and Budget, shall review such certification for accuracy to ascertain that the required savings apportioned to the city or county are obtainable using the selection(s) submitted on the certification. Unless, the Director, Department of Planning and Budget, finds a certification to include savings that are not obtainable or sustainable, the certification shall be approved and implemented without further delay. In the event that a city or county has not submitted or obtained an approved certification by October 1, 2010, the Director, Department of Planning and Budget, is hereby authorized to withhold an amount equivalent to the savings apportioned to the affected city or county from the aid to local government programs that the Director determines are most discretionary and represent general purpose aid to the local government in question before he begins to withhold any funds from categorical grants serving a particular functional area or public service. The Director, Department of Planning and Budget, shall notify the affected locality of his decision in this regard and such decision shall remain in force unless it is superseded by the subsequent

approval of a certification for the affected city or county after October 1, 2010.

D. The savings in state aid to local government programs identified by each city or county on their approved certification (or by the Director, Department of Planning and Budget, in absence of an approved certification) shall be transferred from the other items where such amounts are appropriated in this act to offset the reversion amount listed in this item. Payments from local governments electing to use option (3) above in paragraph C shall be deposited to a suspense account which shall be administered pursuant to § 3-1.03 of this act."

Explanation:

(This amendment captures savings of \$50.0 million GF the first year from a reduction in local aid.)

Item 489 #1s

Independent Agencies	FY 10-11	FY 11-12	
Virginia Office For Protection And Advocacy	(\$220,227) -1.88	(\$220,227) -1.88	GF FTE

Language:

Page 342, line 37, strike "\$3,165,852" and insert "\$2,945,625".

Page 342, line 37, strike "\$3,165,852" and insert "\$2,945,625".

Explanation:

(This amendment eliminates general fund support and 1.88 FTEs for the Virginia Office for Protection and Advocacy. The agency will continue to operate with \$2.9 million from federal and other special funds each year.)

Item C-3 #1s

Education: Higher Education	FY 10-11	FY 11-12	
Christopher Newport University	(\$1,100,230)	\$0	GF

Language:

Page 348, line 25, strike "\$1,100,230" and insert "\$0".

Page 348, strike line 24 through line 26.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan

for this project.)

Item C-5.10 #1s

Education: Higher Education	FY 10-11	FY 11-12
Christopher Newport University	\$500,000	\$0 NGF

Language:

Page 348, following line 32, insert:

"C-5.10. Planning: Student Success Center	\$500,000
Fund Sources: Higher Education Operating	\$500,000".

Explanation:

(This amendment provides \$500,000 NGF to Christopher Newport University for preplanning of a new Student Success Center.)

Item C-5.10 #3s

Education: Higher Education	FY 10-11	FY 11-12
Christopher Newport University	\$3,000,000	\$0 NGF

Language:

Page 348, following line 32, insert:

"C-5.10. Improvements: Replace Roofs on Residence Halls	\$3,000,000
Fund Sources: Bond Proceeds	\$3,000,000".

Explanation:

(This amendment provides \$3.0 million from 9(d) bond proceeds to Christopher Newport University for replacement of roofs on residence halls.)

Item C-6 #1s

Education: Higher Education	FY 10-11	FY 11-12
The College Of William And Mary In Virginia	(\$2,200,230)	\$0 GF

Language:

Page 349, line 3, strike "\$2,200,230" and insert "\$0".
Page 349, strike line 2 through line 5.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-11 #1s

Education: Higher Education

George Mason University

FY 10-11
(\$1,999,205)

FY 11-12
\$0 GF

Language:

Page 349, line 20, strike "\$1,999,205" and insert "\$0".
Page 349, strike line 19 through line 22.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-24.10 #8s

Education: Higher Education

George Mason University

Language

Language:

Page 351, following line 14, insert:

"C-24.10. New Construction: Arlington II
(16523) \$0

Fund Sources: Higher Education Operating (\$3,835,293)
Bond Proceeds \$3,835,293".

Explanation:

(This amendment replaces \$3.8 million NGF appropriated for the Arlington II building with \$3.8 million from previously approved 9(d) bonds.)

Item C-24.10 #12s

Education: Higher Education

Language:

Page 351, following line 14, insert:
"C-24.10. New Construction: Potomac
Science Center

Fund Sources:

George Mason University is authorized to enter into a public-private partnership for construction of the Potomac Science Center. The scope of the Center shall be limited to funds previously appropriated and such additional nongeneral funds and gifts as may be available to George Mason University for that purpose. In no case shall the terms of the public-private partnership obligate the Commonwealth to the appropriation of additional general funds."

Explanation:

(This amendment authorizes George Mason University to enter into a public-private partnership for construction of the Potomac Science Center.)

Item C-24.10 #14s

Education: Higher Education

George Mason University

FY 10-11

\$1,500,000

FY 11-12

\$0 GF

Language:

Page 351, following line 14, insert:

"C-24.10. New Construction: Prince
William Research Facilities

\$1,500,000

Fund Sources: General

\$1,500,000".

1. George Mason University, in collaboration with the University of Virginia, Virginia Tech, Virginia Commonwealth University and Eastern Virginia Medical School shall create a research consortium hereby known as the Virginia Immunology Center. The Virginia Immunology Center is authorized to solicit proposals under the Public-Private Education Facilities and Infrastructure Act (PPEA) to partner with private, for-profit companies to conduct research on vaccines for the treatment of multiple infectious diseases. In no case shall the terms of the public-private partnership obligate the Commonwealth to the appropriation of additional general funds.

2. \$1,500,000 general funds the first year is provided for George Mason University to upgrade laboratory facilities located on its Prince William County campus and to

purchase the necessary antibody samples for immunology research. However, no funds authorized in this item shall be allotted or expended until the Virginia Immunology Center and consortium receives an acceptable PPEA proposal and submits the proposal to the Chairmen of the House Appropriations Committee and the Senate Finance Committee for its approval.

3. Antibody samples and/or libraries purchased with these funds are to be made available to all public colleges and universities in the Commonwealth for research purposes and are to be available without any additional charge."

Explanation:

(This amendment authorizes George Mason University to enter into a public-private partnership for construction of research facilities on the Prince William campus.)

Item C-25 #2s

Education: Higher Education	FY 10-11	FY 11-12
James Madison University	\$6,000,000	\$0 NGF

Language:

Page 351, line 20, strike "\$2,322,811" and insert "\$8,322,811".

Page 365, line 7, strike "\$142,706,000" and insert "\$148,706,000".

Page 365, after line 25, insert:

"Renovate West Wing, Rockingham Hospital C-25 17674 \$6,000,000".

Page 365, line 44, strike "\$142,706,000" and insert "\$148,706,000".

Explanation:

(This amendment adds \$6.0 million from 9(d) bond proceeds for the renovation of student dining space within the west wing of the old Rockingham Memorial Hospital building, which is now owned by James Madison University.)

Item C-25 #3s

Education: Higher Education	FY 10-11	FY 11-12
James Madison University	(\$2,322,811)	\$0 GF

Language:

Page 351, line 20, strike "\$2,322,811" and insert "\$0".

Page 351, strike line 19 through line 24.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-26 #1s

Education: Higher Education

James Madison University

FY 10-11

(\$1,100,230)

FY 11-12

\$0 GF

Language:

Page 351, line 26, strike "\$1,100,230" and insert "\$0".

Page 351, strike line 25 through line 27.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-31.10 #1s

Education: Higher Education

James Madison University

FY 10-11

\$2,500,000

FY 11-12

\$0 NGF

Language:

Page 351, following line 40, insert:

"C-31.10. New Construction: Surface

Parking

Fund Sources:

Explanation:

(This amendment provides \$2.5 million NGF from 9(d) bond proceeds to James Madison University for the construction of a surface parking lot.)

Item C-33.10 #2s

Education: Higher Education

Longwood University

FY 10-11

\$1,675,000

FY 11-12

\$0 NGF

Language:

Page 352, following line 10, insert
"C-33.10. Improvements: Addition and
Renovation of Lankford Hall
Fund Sources:

Explanation:

(This amendment provides \$1.7 million from 9(d) bond proceeds to Longwood University for an addition to and renovation of Lankford Hall.)

Item C-34 #1s

Education: Higher Education	FY 10-11	FY 11-12
University Of Mary Washington	(\$755,333)	\$0 GF

Language:

Page 352, line 16, strike "\$755,333" and insert "\$0".
Page 352, strike line 15 through line 17.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-37.10 #1s

Education: Higher Education	FY 10-11	FY 11-12
University Of Mary Washington	\$2,500,000	\$0 NGF

Language:

Page 352, following line 25, insert: "C-37.10. Improvements: Renovation and Construction of Battleground Athletic Complex Soccer Field Fund Sources: Bond Proceeds	\$2,500,000 \$2,500,000".
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Explanation:

(This amendment provides \$2.5 million from 9(d) bond proceeds for renovation and construction of Battleground Athletic Complex Soccer Field.)

Item C-41 #1s

Education: Higher Education	FY 10-11	FY 11-12
Radford University	(\$1,449,000)	\$0 GF

Language:

Page 353, line 12, strike "\$1,449,000" and insert "\$0".
Page 353, strike line 11 through line 13.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-43 #1s

Education: Higher Education	FY 10-11	FY 11-12
University Of Virginia	(\$791,277)	\$0 GF

Language:

Page 353, line 21, strike "\$791,277" and insert "\$0".
Page 353, strike line 21 through line 23.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-44 #1s

Education: Higher Education	FY 10-11	FY 11-12
University Of Virginia	(\$1,100,230)	\$0 GF

Language:

Page 353, line 24, strike "\$1,100,230" and insert "\$0".
Page 353, strike line 24 through line 25.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-58.10 #1s

Education: Higher Education	FY 10-11	FY 11-12
Virginia Community College System	\$3,500,000	\$0 NGF

Language:

Page 354, following line 37, insert:

"C-58.10. New Construction: Workforce Development Center, Northern Virginia

Community College, Woodbridge Campus Fund Sources: Higher Education Operating \$3,500,000".

Explanation:

(This amendment provides \$3.5 million NGF to the VCCS for construction of a Workforce Development Center on the Woodbridge Campus of Northern Virginia Community College.)

Item C-69 #1s

Education: Higher Education	FY 10-11	FY 11-12
Virginia Polytechnic Institute And State University	(\$1,100,230)	\$0 GF

Language:

Page 356, line 19, strike "\$1,100,230" and insert "\$0".

Page 356, strike line 18 through line 21.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-71 #1s

Education: Higher Education	FY 10-11	FY 11-12
Virginia Cooperative Extension And Agricultural Experiment Station	(\$1,000,000)	\$0 GF

Language:

Page 356, line 31, strike "\$1,000,000" and insert "\$0".
Page 356, strike line 30 through line 32.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-73 #1s

Education: Higher Education

Virginia State University

FY 10-11

(\$1,000,000)

FY 11-12

\$0 GF

Language:

Page 357, line 3, strike "\$1,000,000" and insert "\$0".
Page 357, strike line 1 through line 6.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-75 #1s

Education: Other

Jamestown-Yorktown Foundation

FY 10-11

(\$1,332,374)

FY 11-12

\$0 GF

Language:

Page 357, line 12, strike "\$1,332,374" and insert "\$0".
Page 357, strike line 11 through line 14.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-76 #1s

Education: Other

The Science Museum Of Virginia

FY 10-11

(\$6,000,000)

FY 11-12

\$0 GF

Language:

Page 357, line 20, strike "\$6,000,000" and insert "\$0".
Page 357, strike line 19 through line 23.

Explanation:

(This amendment is a companion to Item C-85#3 which provides a treasury loan for this project.)

Item C-76.10 #1s

Education: Higher Education

Southwest Virginia Higher
Education Center

Language

Language:

Page 357, following line 23, insert:
"C-76.10. Study: Southwest Virginia
Higher Education Center
Fund Sources:

The Southwest Virginia Higher Education Center (SWVHEC) will study the feasibility of building a new facility that would be used in part to make leased space available to the King College medical school program. The State Council of Higher Education for Virginia (SCHEV) and the Department of the Treasury will provide input and recommendations on the study as to the feasibility of any arrangement for this project between SWVHEC and King College. SWVHEC will report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2010 their findings including formal guidance from SCHEV and the Department of the Treasury."

Explanation:

(This amendment provides study language to examine a potential arrangement between the Southwest Virginia Higher Education Center and King College in support of medical education in Southwest Virginia.)

Item C-76.80 #1s

Natural Resources

Department Of Conservation And
Recreation

Language

Language:

Page 357, following line 29, insert:
"C-76.80. New Construction: Biscuit Run
State Park Visitor Center and Infrastructure
Fund Sources:

The Department of Conservation and Recreation is authorized to accept gifts for the construction of a visitor center and supporting infrastructure at Biscuit Run State Park in Albemarle County. Such nongeneral funds are hereby appropriated."

Explanation:

(This amendment authorizes the Department of Conservation and Recreation to accept gifts for the construction of a visitor center at Biscuit Run State Park in Albemarle county.)

Item C-80.10 #1s

Public Safety

Department Of Veterans Services

Language

Language:

Page 358, following line 30, insert:
"C-80.10. New Construction: Southwestern
Virginia Veterans Care Center
Fund Sources:

The Governor is authorized to request federal funds to construct a new veterans care center with up to 120 beds located in the far southwestern area of Virginia. After the United States Department of Veterans Affairs has determined that federal funds will be allocated for the new center, the Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of \$28,500,000 to the Department of Veterans Services for the state share of the construction."

Explanation:

(This amendment authorizes the Governor to request federal funds for construction of a new veterans' care center in far southwestern Virginia. A treasury loan in the amount of \$28.5 million is authorized if federal funds are approved.)

Item C-84 #1s

Central Appropriations

Central Capital Outlay

Language

Language:

Page 361, line 10, after "Virginia Museum of Fine Arts" insert "and the Jamestown-Yorktown Foundation".

Page 361, after line 14, insert:

"3. The Jamestown-Yorktown Foundation may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of artifacts owned by the Museum."

Explanation:

(This amendment allows unexpended maintenance reserve balances to be brought forward into the next biennium and allows up to 20 percent of the annual maintenance reserve allocation for the Jamestown-Yorktown Foundation to be used for conservation, as is currently permitted for the Virginia Museum of Fine Arts.)

Item C-84 #4s

Central Appropriations

Central Capital Outlay

FY 10-11

(\$15,000,000)

FY 11-12

\$0 GF

Language:

Page 360, strike lines 28 to 39.

Explanation:

(This amendment deletes \$15.0 million GF the first year from the Central Maintenance Reserve account.)

Item C-85 #1s

Central Appropriations

Central Capital Outlay

FY 10-11

\$500,000

FY 11-12

\$0 NGF

Language:

Page 362, following line 2, insert:

Thompson Hall (xxxxx)

Explanation:

(This amendment provides \$500,000 from VCBA bond proceeds to George Mason University for equipment for Thompson Hall.)

Central Appropriations

Central Capital Outlay

Language

Language:

Page 363, strike lines 9 to 24, and insert:

"D.1. The Secretary of Finance shall prepare and submit a plan to the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee on or before the beginning of the 2011 General Assembly Session to schedule the issuance of debt for authorized projects. The plan prepared by the Secretary of Finance shall take into account the most recent recommendations of the Debt Capacity Advisory Committee released prior to the start of the 2011 General Assembly Session and make recommendations on the issuance of bonds for affected projects to stay at or below the limits on debt capacity established by the Debt Capacity Advisory Committee. Furthermore, the plan shall recommend a schedule for issuance of debt that funds projects in the following priority order:

Priority 1: Projects under contract on the effective date of this Act,

Priority 2: Maintenance Reserve,

Priority 3: Higher Education Equipment Trust Fund,

Priority 4: Equipment for Previously Funded Projects,

Priority 5: Projects funded by previous Acts of the General Assembly, but not under contract on the effective date of this Act,

Priority 6: Construction funds for projects authorized in this Act,

Priority 7: Improvements: Energy Conservation projects authorized in Item C-84 of this Act.

2. Prior to the submission of the report by the Secretary of Finance the priority order set out in paragraph D.1. shall be used to schedule the issuance of debt under the December 2009 recommendations of the Debt Capacity Advisory Committee."

Explanation:

(This amendment establishes priorities for the projects to be funded from VCBA and VPBA debt. This prioritization will assure that agencies and institutions can proceed with planned expenditures for higher education equipment and maintenance of buildings pending the review of the Commonwealth's debt capacity by the Secretary of Finance.)

Central Appropriations

Central Capital Outlay

Language

Language:

Page 363, following line 24, insert:

"E.1. The State Treasurer is authorized to advance treasury loans that shall not exceed the costs of planning for each of the following projects:

Christopher Newport University

Restore Planning for Luter School \$ 1,100,230

College of William & Mary

Restore Planning for Integrated Science Center \$2,200,230

George Mason University

Restore Planning Campus Library Addition, Phase I \$1,999,205

James Madison University

Restore Planning Rockingham Hospital \$2,322,811

Restore Planning Duke Hall \$1,100,230

Radford University

Restore Planning Computational Science Building \$1,449,000

University of Mary Washington

Restore Planning Technology Center \$755,333

University of Virginia

Restore Planning New Cabell Hall \$791,277

Restore Planning Ruffner Hall \$1,100,230

Virginia Tech

Restore Planning Engineering Signature Building \$1,100,230

Virginia Tech Agricultural Experiment Station

Restore Planning Biosciences Building, Phase I \$1,000,000

Virginia State University

Restore Planning Multipurpose Center \$1,000,000

Jamestown/Yorktown Foundation

Restore Planning Yorktown Museum \$1,332,374

Science Museum of VirginiaRestore Planning Belmont Bay \$6,000,000**Total: Project Planning**

\$23,251,150

2. Such treasury loans as are advanced pursuant to this item shall be repaid from the general fund, or proceeds of Virginia Public Building Authority, or Virginia College

Building Authority Bonds upon authorization of construction funding."

Explanation:

(This amendment captures savings of \$23.3 million GF proposed appropriated for planning of capital projects and transfers these savings to the general fund. Treasury loans are authorized to replace the reverted planning funds. A companion amendment to SB 29 captures nongeneral fund savings of \$7.6 million for a total of \$30.9 million.)

Item 3-1.01 #1s

Transfers

Interfund Transfers

Language

Language:

Page 370, line 48, strike the first "2,455,000" and insert "9,055,000".

Page 370, line 48, strike the second "2,455,000" and insert "9,055,000".

Explanation:

(This amendment increases the transfer of revenue from the Trauma Center Fund to the General Fund by \$6.6 million each year of the biennium. The introduced budget transferred \$2.4 million each year from the Fund to the General Fund. A companion amendment to Item 3-6.00 (Adjustments and Modifications to Fees) increases the drivers license reinstatement fee by \$50 allowing for the restoration of \$2.4 million each year to the trauma centers. Revenues in the Trauma Center Fund are used to defray the cost of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.)

Item 3-1.01 #2s

Transfers

Interfund Transfers

Language

Language:

Page 372, strike lines 13-15.

Explanation:

(This amendment eliminates the transfer of \$18.8 million NGF from higher education auxiliary enterprise balances in FY 2011 as proposed in the budget as introduced.)

Transfers

Interfund Transfers

Language

Language:

Page 372, after line 27, insert:

"MM. On or before June 30 each year, the State Comptroller shall transfer \$10,518,587 the first year and \$10,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200)."

Explanation:

(This amendment transfers \$10.5 million each year from the special emergency medical services fund to the general fund. A companion amendment to Item 3-6.00 (Adjustments and Modifications to Fees) increases the annual vehicle registration fee known as \$4 for Life from \$4.25 to \$6.25 generating \$12.6 million annually. Of the increase \$2.1 million will be transferred to the Department of State Police to operate the med-flight program, eliminating the need to transfer funds from the Rescue Squad Assistance Fund to State Police as proposed in the introduced budget. A separate amendment to Item 281 (Emergency Medical Services) eliminates the proposed transfer.)

Transfers

Interfund Transfers

Language

Language:

Page 367, strike lines 16 and 17.

Page 367, line 35, strike "\$76,223,000" and "\$76,223,000", and insert "\$75,642,321" and "\$75,642,321".

Page 367, line 41, strike "\$44,900,000 the first year and \$45,400,000" and insert "\$45,480,679 the first year and \$45,980,679"

Page 367, after line 43, insert:

"C. Pursuant to the provisions of Senate Bill 237 (2010), the portion of wine liter

tax collected pursuant to § 4.1-234, Code of Virginia, that is attributable to the sale of wine produced by a farm winery, in an amount estimated at \$1,300,000 the first year and \$1,300,000 the second year shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005, Code of Virginia."

Explanation:

(This amendment implements the provisions of Senate Bill 237 and transfers \$1.3 million each year from the general fund to the Wine Promotion Fund. This amendment also includes several technical adjustments. A companion amendment to Item 84 provides a nongeneral fund appropriation to the Wine Board for this purpose.)

Item 3-1.01 #3s

Transfers

Interfund Transfers

Language

Language:

Page 372, strike lines 22 through 27, and insert:

"LL. On or before June 30, 2011, the State Comptroller shall transfer \$170,000 from general fund savings from changes to the durable medical equipment Medicaid rates, pursuant to paragraph UUU. in Item 297 to the Productivity Investment Fund."

Explanation:

(This amendment eliminates language that would have transferred general fund savings from changes in the rates paid for durable medical equipment (DME) to the Virginia Infrastructure Technology Fund. Language is replaced that transfers \$170,000 from the general fund savings to the Productivity Investment Fund for costs incurred to generate DME savings. As a result of this amendment, savings from the DME rates will be deposited into the general fund.)

Item 3-1.01 #4s

Transfers

Interfund Transfers

Language

Language:

Page 367, line 44, strike "this subsection § 3-1.01" and insert "any subsections of §§ 3-1.01 through 3-6.02."

Explanation:

(This is a technical amendment to insert language that was erroneously omitted from the introduced budget. This language clarifies that the State Comptroller shall not make any interfund transfer that is found to violate any federal statute or regulation.)

Item 3-1.01 #9s

Transfers

Interfund Transfers

Language

Language:

Page 367, line 41, strike "\$44,900,000 the first year and \$45,400,000 the second year" and insert "\$46,800,000 the first year and \$49,900,000 the second year".

Explanation:

(This amendment increases the transfer of net profits to the general fund from the Alcoholic Beverage Control Enterprise Fund by \$1,900,000 the first year and \$4,500,000 the second year. The increased profits result from (1) the re-estimate of the projected profits from five new ABC stores assumed in the introduced budget; (2) the estimated profits from ten new ABC stores assumed in the committee amendments; and (3) the estimated profits from additional optional Sunday sales. A companion amendment to Item 373 provides additional nongeneral funds and positions for ten additional stores and authorizes the Alcoholic Beverage Control Board to approve Sunday sales in ABC stores in any jurisdiction, with the exception that localities may opt out of that provision.)

Item 3-2.03 #2s

Working Capital Funds and Lines of Credit

Lines of Credit

Language

Language:

Page 373, strike line 40-41.

Explanation:

(This amendment eliminates a proposed \$10 million line of credit for the Central Appropriations, Productivity Investment Fund.)

Item 3-3.03 #2s

General Fund Deposits

Interest Earnings

Language

Language:

- Page 377, strike line 28.
- Page 377, strike line 31.
- Page 377, strike line 34.
- Page 377, strike line 35.
- Page 377, strike line 37.
- Page 378, strike line 20.
- Page 378, strike line 34.

Explanation:

(This amendment deletes certain funds from the list of funds from which the Governor's budget proposed to withhold interest earnings. These funds in the Marine Resources Commission and the Department of Game and Inland Fisheries are derived from fishing, hunting and boating license fees. The Federal Aid in Wildlife Restoration Act (16 U.S.C. § 669 et seq.) and the Federal Aid in Sport Fish Restoration Act (16 U.S.C. § 777 et seq.) specifically prohibit the diversion of these funds, including interest, for any purpose other than administration of fish and wildlife programs. The Code of Virginia (§§ 28.2-201.8 and 29.1-103.2) assents to the provisions of the federal acts. Diversion of the interest from these funds would cause the Commonwealth to potentially forfeit federal funds from these acts. The amendment also deletes from the list the Department of Environmental Quality, State Revolving Loan Fund and the Department of Health, Safe Drinking Water State Revolving Loan Fund, both of which include federal funds.)

Item 3-3.03 #5s

General Fund Deposits

Interest Earnings

Language

Language:

Page 374, line 17, strike "\$35,800,000 the first year and \$35,800,000" and insert "\$40,220,501 the first year and \$65,343,741".

Explanation:

(This amendment adjusts estimated nongeneral fund interest earnings based on a combination of updated fund balances and interest rate assumptions.)

Item 3-3.03 #6s

General Fund Deposits

Interest Earnings

Language

Language:

Page 376, strike line 15 and 16.

Page 376, strike line 18.

Page 376, after line 31, insert:

"Virginia Commonwealth University 236 Auxiliary Enterprise 0306".

Explanation:

(This is a technical amendment to delete certain fund details that were included in the introduced budget in error and to add one that was erroneously omitted.)

Item 3-5.08 #1s

Adjustments and Modifications to Tax Collections

Accelerated Sales Tax

Language

Language:

Page 381, after line 10, insert:

"G. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2015. The payment amount for June 2015 should be reduced to 85 percent of the sales and purchases for the previous June and the payment amount should continue to be reduced until fully eliminated not later than June 2021."

Explanation:

(This amendment express the intent to phase out the policy in the introduced

budget, which requires retailers to remit their June sales and use tax collections by June 25 of each year.)

Item 3-5.09 #2s

Adjustments and Modifications to Tax Collections

Discounts and Allowances

Language

Language:

Page 381, line 13, after "58.1-1021.03," strike "58.1-1720,".

Page 381, line 16, after "rate", strike the remainder of the line and insert "."

Page 381, strike line 17.

Explanation:

(This amendment restores the motor fuel dealer allowance for shrinkage and evaporation that is provided since these taxes are imposed at the terminal rack and not on the retail distributor.)

Item 3-5.09 #3s

Adjustments and Modifications to Tax Collections

Discounts and Allowances

Language

Language:

Page 381, line 14, strike "repealed" and insert "suspended".

Page 381, after line 17, insert:

"C. The Tax Commissioner shall examine the costs incurred by retail dealers and other entities relating to the collection and remittance of the sales and use tax, and other taxes collected pursuant to §§ 58.1-622, 58.1-642, 58.1-656, 58.1-1021.03, 58.1-1720, 58.1-1730, 58.1-2233, 58.1-2236, and 58.1-2256 of the Code of Virginia. The Commissioner shall make recommendations regarding what allowances and discounts, if any, should be provided to the retail dealers and other entities for their collection and remittance of the taxes to the Commonwealth. In the course of this study, the Commissioner shall convene a working group of affected businesses and shall also afford affected businesses the opportunity to comment on any recommendations. The Department of Taxation shall make its report to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees on or before October 1, 2011."

Explanation:

(This amendment expresses the intent that the elimination of the dealer discount, as contained in the introduced budget is temporary in nature. The amendment directs the Tax Commissioner to examine what compensation for retailers and other entities who collect and remit the sales and use tax should be and make recommendations to the Governor and the General Assembly.)

Item 3-5.11 #1s

Adjustments and Modifications to Tax Collections

Conformity to Internal Revenue Code

Language

Language:

Page 381, strike lines 29 through 35, and insert:

"Notwithstanding the provisions of [§58.1-301](#), Code of Virginia, any reference in Chapter 3, Title 58.1, Code of Virginia, to the laws of the United States relating to federal income taxes shall mean 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 income taxes, as they existed on January 22, 2010, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;
2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
3. The original issue discount on applicable high yield discount obligations under § 163 (e)(5)(F); and
4. The deferral of certain income under § 108 (i) of the Internal Revenue Code, except that two-thirds of any income derived in taxable year 2009 from the cancellation of indebtedness income which has been deferred in taxable year 2009 from federal taxable income pursuant to § 108 (i) of the Internal Revenue Code may be subtracted from 2009 taxable income and deferred as follows: one-third of such income may be deferred until taxable year 2010 and one-third of such income may be deferred until taxable year 2011."

Explanation:

(This amendment conforms Appropriation Act language with SB 545, as passed by the Senate, and allows taxpayers to take a deduction on their 2009 tax returns for charitable contributions made by February 28, 2010, for the relief of victims of the Haiti earthquake.)

Item 3-5.12 #3s

Adjustments And Modifications To Tax Collections

Land Preservation Tax Credit

Language

Language:

Page 381, after line 35, insert,

"Pursuant to the provisions of Senate Bill 233 (2010), the \$50,000 limitation applicable to the Land Preservation Tax Credit in § 58.1-512, Code of Virginia, for taxable years 2009 and 2010 shall also be applicable to taxable year 2011. Furthermore, the extension of the credit limitation to taxable year 2011 shall likewise extend the maximum carryover period of the credit by one additional year for any taxpayer affected by this limitation."

Explanation:

(This amendment extends the \$50,000 per taxpayer limit on claiming Land Preservation Tax Credits for tax year 2011, after which the limit will revert to the \$100,000 per taxpayer limit in the Code of Virginia.)

Item 3-6.03 #1s

Adjustments And Modifications To Fees

Annual Vehicle Registration Fee (\$4.25 for Life)

Language

Language:

Page 381, after line 51, insert:

"Notwithstanding §46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25."

Explanation:

(This amendment increases the annual vehicle registration fee known as "\$4 for Life" from \$4.25 to \$6.25. The additional \$2.00 fee is expected to generate \$12.6 million annually. A separate amendment to Item 281 (Emergency Medical Services) transfers \$2.1 million of the fee increase to the Department of State Police for med-flight operations. A companion amendment to Item 3-1.01 (Interfund Transfers) transfers \$10.5 million each year to the general fund during the 2010-12 biennium.)

Item 3-6.03 #2s

Adjustments And Modifications To Fees

Drivers License Reinstatement Fee

Language

Language:

Page 381, after line 51, insert:

"Notwithstanding §18.2-270.01 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100."

Explanation:

(This amendment increases the drivers license reinstatement fee from \$50 to \$100 for persons convicted of a second or subsequent violation of the DUI statutes within 10 years of the date of the current offense. The additional fee revenue of \$9.0 million will be deposited into the Trauma Center Fund to reimburse trauma centers for the cost of providing emergency medical care to victims of automobile accidents. An amendment to Item 3-1.01 (Interfund Transfers) transfers \$6.6 million each year to the general fund during the 2010-12 biennium. The remaining portion estimated at \$2.4 million each year will restore funding for 14 trauma centers that was reduced in the introduced budget. All of the additional fee revenue will be distributed to trauma centers beginning July 1, 2012.)

Item 3-5.12 #3s

Adjustments And Modifications To Tax Collections

SALES TAX COLLECTIONS FROM
OUT-OF-STATE ENTITIES

Language

Language:

Page 381, following line 35, insert:

"SALES AND USE TAX COLLECTIONS FROM OUT-OF-STATE ENTITIES

For purposes of Virginia's retail sales and use taxes (§ 58.1-600 et seq. of the Code of Virginia), a dealer as defined or described under § 58.1-612 of the Code of Virginia shall be presumed to be soliciting or transacting business by an independent contractor, agent, or other representative, if the dealer enters into an agreement with a resident of the Commonwealth under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet site or otherwise, to the dealer if the cumulative gross receipts from sales by the dealer to purchasers in the Commonwealth who are referred to the dealer by all residents with this type of agreement with the dealer are in excess of \$10,000 during the preceding four quarterly periods. A dealer to which such presumption applies shall be deemed to have sufficient activity within the Commonwealth so as to require the dealer to register under § 58.1-613 of the Code of Virginia and to collect the tax imposed under or pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 of the Code of Virginia. This presumption may be rebutted by proof that the resident with whom the dealer has an agreement did not engage in any solicitation in the Commonwealth on behalf of the dealer that would satisfy the nexus requirement of the United States Constitution during the four quarterly periods in question."

Explanation:

(This amendment requires certain out-of-state entities to collect and remit Virginia's sales and use tax when doing business in Virginia, consistent with the provisions of SB 660, which passed the Senate.)

Item 4-8.01 #1s

Reporting Requirements

Governor

Language

Language:

Page 424, strike lines 11-13.

Explanation:

(This amendment restores the Faculty Salary Average Report.)

Conflict with Other Laws

Conflict with Other Laws

Language

Language:

Page 430, line 25; Strike "2010", and Insert "2012".

Explanation:

(This amendment corrects the date for the provisions relating to conflict with other laws. The introduced language was not changed from 2010 in Chapter 781.)

Additional Enactments

Additional Enactments

Language

Language:

Page 430, strike all of line 37 through line 42 on page 435.

Page 435, strike all of lines 43 through 44.

Page 435, at the beginning of line 45, strike "5." and insert "3."

Page 435, at the beginning of line 46, strike "6." and insert "4."

Page 435, line 46, after "2012.", strike the remainder of line 46 and all of line 47 and insert: "The provisions of the second and third enactments of this act shall have no expiration date."

Explanation:

(This amendment removes unnecessary language from the budget bill and allows the Code text to remain unchanged.)

Additional Enactments

Additional Enactments

Language

Language:

Page 435, following line 45, insert:

"6. That §§ [16.1-69.48:2](#) and [17.1-275](#) of the Code of Virginia are amended and reenacted as follows:

§ [16.1-69.48:2](#). Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~\$22 for the period between July 1, 2006, and December 31, 2006, and \$27 thereafter unless otherwise provided in this section or if the amount in controversy is \$200 or less, then the fee shall be \$22~~ \$75 . No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, ~~\$5-\$10~~ of the fee collected for all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding ~~in excess of \$200 shall be apportioned to the Courts Technology Fund established under § [17.1-132](#) for the period between July 1, 2006, and December 31, 2006, and \$10 thereafter. Of any fees collected for these services where the amounts in controversy equal \$200 or less, \$10 from any such fees~~ collected shall be apportioned to the Courts Technology Fund established under § [17.1-132](#).

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$0 .50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ [17.1-275](#). Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § [17.1-267](#) or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to

support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § [2.2-3704](#). However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § [18.2-251](#) which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § [18.2-251](#), which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § [17.1-275.8](#).

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be ~~\$60~~ \$500 in cases seeking recovery not exceeding \$50,000, ~~\$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#)~~; \$110 in cases seeking recovery not exceeding \$100,000, ~~\$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#)~~; \$1 million and \$160 \$1,000 in cases seeking recovery exceeding \$100,000, ~~\$10 of which \$1 million~~. *Ten dollars of each of the fees collected under this subsection* shall be apportioned to the Courts Technology Fund established under § [17.1-132](#). A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for

judgments by confession under §§ [8.01-432](#) through [8.01-440](#), the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § [8.01-451](#), but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § [8.01-452](#), a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § [8.01-529](#), \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § [57-8](#) or [57-15](#), \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § [8.01-217](#) relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#) to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a

third-party defendant. However, no fee shall be charged for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit card a reasonable convenience fee not to exceed four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is greater, in accordance with § [19.2-353.3](#).

29. For all services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), or [17.1-275.4](#), in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § [63.2-1246](#), to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § [63.2-1201](#), except those filed pursuant to subdivisions 5 and 6 of § [63.2-1210](#), an additional \$50 filing fee as required under § [63.2-1201](#) shall be deposited in the Putative Father Registry Fund pursuant to § [63.2-1249](#).

30. For issuing a duplicate license for one lost or destroyed as provided in § [29.1-334](#), a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ [33.1-124](#), [33.1-125](#) and [33.1-129](#), a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § [33.1-122](#), as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), or [17.1-275.9](#), a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ [55-142.1](#) et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § [55-218.1](#), a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § [59.1-74](#), a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ [59.1-406](#) et seq.), the fee as prescribed in § [59.1-411](#).

39. For lodging, indexing and preserving a will in accordance with § [64.1-56](#), a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ [37.2-1001](#) and [37.2-1013](#), the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § [17.1-281](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § [17.1-278](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § [42.1-70](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

7. That the fee increases provided for under the provisions of § [16.1-69.48:2](#) pursuant to the sixth enactment of this act shall be allocated by the Compensation Board exclusively to fund sheriffs' offices.

8. That 85 percent of the fee increases provided for under the provisions of § [17.1-275](#) pursuant to the sixth enactment of this act shall be allocated by the Compensation Board

exclusively to fund sheriffs' offices; and that 15 percent of the fee increases provided for under the provisions of § [17.1-275](#) pursuant to the sixth enactment of this act shall be allocated by the Compensation Board exclusively to fund offices of the attorneys for the Commonwealth."

Page 435, line 46, strike "6." and insert "9."

Explanation:

(This amendment increases civil filing fees in District and Circuit Courts. The general fund revenue impact of these fee increases is \$50,900,000 each year.)
