

Amendments to SB 5015 (as Introduced)

Item 0 #1s

Revenues

Revenues

Language

Language:

Page 1, strike lines 33 through 45, and insert:

	First Year	Second Year	Total
Unreserved Balance, June 30 2020	\$2,874,058,799	\$0	\$2,874,058,799
Additions to Balance	(\$1,293,491,604)	\$29,850,000	(\$1,263,641,604)
Official Revenue Estimates	\$21,353,132,509	\$22,185,484,514	\$43,538,617,023
Transfer	\$599,061,189	\$611,758,189	\$1,210,819,378
Total General Fund Resources Available for Appropriation	\$23,532,760,893	\$22,827,092,703	\$46,359,853,596

Page 2, strike lines 1 through 14, and insert:

	First Year	Second Year	Total
Balance, June 30, 2020	\$7,596,232,598	\$0	\$7,596,232,598
Official Revenue Estimates	\$39,443,320,685	\$39,513,286,327	\$78,956,607,012
Lottery Proceeds Fund	\$657,959,397	\$666,104,670	\$1,324,064,067
Internal Service Fund	\$2,115,253,639	\$2,231,861,108	\$4,347,114,747
Bond Proceeds	\$2,478,004,162	\$195,123,500	\$2,673,127,662
Total Nongeneral Fund Revenues Available for Appropriation	\$52,290,770,481	\$42,606,375,605	\$94,897,146,086
TOTAL PROJECTED REVENUES	\$75,823,531,374	\$65,433,468,308	\$141,256,999,682

Explanation:

(This amendment modifies the front page to reflect changes to resources as adopted by the Senate Finance and Appropriations Committee.)

Item 27.50 #1s

Amendments to SB 5015 (as Introduced)

Legislative Department	FY20-21	FY21-22	
Commission on Civil Rights and Policing	\$19,544	\$39,088	GF

Language:

Page 5, after line 6, insert:

"Commission on Civil Rights and Policing (881)

27.50 Research, Planning and Coordination	\$19,544	\$39,088
Fund Sources: General	\$19,544	\$39,088 "

Explanation:

(This amendment provides \$19,544 the first year and \$39,088 the second year for the costs associated with the creation of the Commission on Civil Rights and Policing as created pursuant to SB 5003.)

Item 42 #1s

Judicial Department	FY20-21	FY21-22	
General District Courts	\$0	\$23,147	GF

Language:

Page 6, line 10, strike "\$130,943,333" and insert "\$130,966,480".

Page 6, line 10, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Pre-Trial, Trial, and Appellate Processes (32100)	\$129,538,848	\$130,943,333 \$130,966,480
Trial Processes (32103)	\$104,727,552	\$106,591,572
Other Court Costs And Allowances (Criminal Fund) (32104)	\$18,882,131	\$18,422,596 \$18,445,743
Involuntary Mental Commitments (32105)	\$5,929,165	\$5,929,165
Fund Sources: General	\$129,538,848	\$130,943,333 \$130,966,480

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-

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163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$158,252 from July 1, 2020 to June 9, 2021, \$ 158,252 from June 10, 2021 to June 30, 2022. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2020, in the appropriation made in Item 41, Chapter 854, Acts of Assembly of 2019 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2021.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 310, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

F. Upon the retirement or separation from employment of any chief general district court clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.

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G. Included in the appropriation for this item is \$5,732,280 the first year and \$7,596,300 the second year from the general fund for the Office of the Executive Secretary of the Supreme Court to use, at its discretion, for additional general district court clerk positions, salary increases for general district court clerks, or a combination thereof."

Explanation:

(This amendment provides funding of \$23,147 GF the second year for general district court clerk costs related to staffing pursuant to SB 5043 of the 2020 Special Session 1, as passed the Senate.)

		Item 57 #1s	
Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$69,299 1.00	\$138,598 1.00	GF FTE

Language:

Page 10, line 42, strike "\$37,064,003" and insert "\$37,133,302".
 Page 10, line 42, strike "\$37,064,003" and insert "\$37,202,601".
 Page 10, line 42, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Legal Advice (32000)	\$37,064,003	\$37,064,003
	\$37,133,302	\$37,202,601
State Agency/Local Legal Assistance and Advice (32002)	\$37,064,003	\$37,064,003
	\$37,133,302	\$37,202,601
Fund Sources:		
General	\$23,169,033	\$23,169,033
	\$23,238,332	\$23,307,631
Special	\$12,644,138	\$12,644,138
Federal Trust	\$1,250,832	\$1,250,832

Authority: Title 2.2 Chapter 5, Code of Virginia.

A. Out of this appropriation shall be paid:

1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second year.

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2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal monthly installments.

3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5, Code of Virginia.

B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement Agreement. The general fund shall be reimbursed on a proportional basis from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master Settlement Agreement pursuant to transfers directed by Item 479 and § 3-1.01, Paragraph N of this act.

C. Upon notification by the Attorney General, agencies that administer programs which are funded wholly or partially from nongeneral fund appropriations shall transfer to the Department of Law the necessary funds to cover the costs of legal services that are related to such nongeneral funds. The Attorney General, in consultation with the respective agency heads, shall determine the amounts for transfer. It is the intent of the General Assembly that legal services provided by the Office of the Attorney General for general fund-supported programs shall be provided out of this appropriation.

D. At the request of the Attorney General, the Director, Department of Planning and Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643, Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and Justices in actions arising out of their official duties.

E.1. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge, inclusive of all fees, expenses, or other costs associated with litigation, excluding the payment of damages.

2. If the Office of the Attorney General is unable to provide legal services to the soil and water conservation districts, and as a result the districts incur costs from retaining other counsel, then the Director of the Department of Planning and Budget shall transfer general fund appropriations from the Office of the Attorney General to the Department of Conservation and

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Recreation in an amount equal to the cost incurred by the soil and water conservation districts to be used to reimburse the districts for costs incurred.

F. The Attorney General shall prepare and submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each year detailing expenditures in the prior fiscal year for special outside counsel by any executive branch agencies. The report shall include the reasoning why outside counsel is necessary, the hourly rate charged by outside counsel, total expenditures, and funding source.

G. Except as otherwise specifically provided by law, all legal services of the Office of the Attorney General shall be performed exclusively by (i) an employee of the Office, (ii) an employee of another Virginia governmental entity as may be provided by law, (iii) an employee of a federal governmental entity pursuant to an agreement between the Office of the Attorney General and such federal governmental entity, or (iv) law students or recent law school graduates sponsored by a separate institution with a stipend. Except as otherwise specifically provided under this act, the sole source of compensation paid to employees of the Office of the Attorney General for performing legal services on behalf of the Commonwealth shall be from the appropriations provided under this act. In any case in which the Office of the Attorney General is authorized under law to contract with, hire, or engage a person other than a person described in clauses (i), (ii), (iii), or (iv) to perform legal services on behalf of the Commonwealth, the sole consideration for such legal services shall be a monetary amount bargained for in an arm's length transaction with such person and the Office of the Attorney General or another Virginia governmental entity, stating under what authority that office enters the contract. Only persons described in clauses (i), (ii), (iii), or (iv) shall perform legal services on premises leased by the Office of the Attorney General. Nothing in this paragraph shall prohibit the Office of the Attorney General from entering into a settlement agreement with a defendant arising from a case litigated or prosecuted by a federal governmental entity, local governmental entity, or an Attorney General's Office in another state or United States territory. Nothing in this paragraph shall prohibit the Office of the Attorney General from employing and providing office space to an unpaid intern assisting in performing legal services, provided that such intern does not possess a current license to practice law in the Commonwealth, any other state, or any United States territory."

Explanation:

(This amendment provides funding of \$69,299 GF the first year and \$138,598 GF the second year and 1.0 FTE attorney position to provide legal representation to the Department of Criminal Justice Services for additional decertification hearings pursuant to SB 5030 of the 2020 Special Session 1, as passed the Senate.)

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Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$114,709 2.00	\$229,418 2.00	GF FTE

Language:

Page 11, line 3, strike "\$929,917" and insert "\$1,044,626".
 Page 11, line 3, strike "\$929,917" and insert "\$1,159,335".
 Page 11, line 3, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Personnel Management Services (70400)	\$929,917 \$1,044,626	\$929,917 \$1,159,335
Compliance and Enforcement (70414)	\$929,917 \$1,044,626	\$929,917 \$1,159,335

Fund Sources:

General	\$853,468 \$968,177	\$853,468 \$1,082,886
Federal Trust	\$76,449	\$76,449

Authority: Title 2.2, Chapter 26, Article 12, and Chapter 39; Title 15.2, Chapter 16, § 15.2-1604, Code of Virginia."

Explanation:

(This amendment provides funding of \$114,709 GF the first year and \$229,418 GF the second year and 2.0 FTE positions to implement the provisions of SB 5024, of the 2020 Special Session 1, as passed the Senate.)

Item 86 #1s

Administration	FY20-21	FY21-22	
Department of Elections	(\$2,000,000)	\$0	GF

Language:

Page 16, line 7, strike "\$20,858,038" and insert "\$18,858,038".
 Page 16, strike lines 6 through 48 and insert "Not set out."
 Page 17, strike lines 1 through 60.

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Page 18, strike lines 1 through 3.

Explanation:

(This amendment removes duplicative funding and language related to the 2020 general and special elections. Chapter 1, 2020 Special Session 1, Acts of Assembly, amended Chapter 1289, 2020 Acts of Assembly, to provide \$2.0 million GF to reimburse localities for the cost of prepaid postage for the return of mailed absentee ballots, and language governing the administration of absentee ballots and drop-off boxes.)

	Item 112 #1s	
Commerce and Trade	FY20-21	FY21-22
Economic Development Incentive Payments	(\$3,000,000) (\$630,000)	(\$3,000,000) GF (\$261,000) NGF

Language:

Page 23, line 5, strike "\$77,898,533" and insert "\$74,268,533".

Page 23, line 5, strike "\$55,528,283" and insert "\$52,267,283".

Page 23, line 5, strike "Not set out." and insert:

Drawn to Chapter 1289

"Economic Development Services (53400)	\$77,898,533 \$74,268,533	\$55,528,283 \$52,267,283
Financial Assistance for Economic Development (53410)	\$77,898,533 \$74,268,533	\$55,528,283 \$52,267,283
Fund Sources: General	\$77,118,533 \$74,118,533	\$55,117,283 \$52,117,283
Special	\$630,000 \$0	\$261,000 \$0
Dedicated Special Revenue	\$150,000	\$150,000

Authority: Discretionary Inclusion.

A.1. Out of the appropriation for this Item, \$19,750,000 the first year and \$19,750,000 the second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House

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Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development Opportunity Fund.

6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity

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Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.

B.1. Out of the appropriation for this Item, \$5,223,700 the first year and \$4,978,700 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

C. Out of the appropriation for this Item, \$4,000,000 the first year and \$4,000,000 the second year from the general fund and an amount estimated at \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.

~~D. Out of the appropriation for this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Aerospace Manufacturing Performance Grant Fund, and \$630,000 the first year and \$261,000 the second year from the Aerospace Manufacturer Workforce Training Grant Fund is hereby appropriated. These funds shall be used for grants in accordance with §§ 59.1-284.20 and 59.1-284.22, Code of Virginia.~~

E D.1. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to appropriation by the General Assembly, up to \$8,000,000 in economic development incentive grants is authorized for eligible projects to be awarded on or after July 1, 2017, but before June 30, 2019. Any eligible project awarded such grants shall be subject to the

Amendments to SB 5015 (as Introduced)

conditions set forth in § 2.2-5102.1. Any additional grant awards not authorized by this act, including any awards after June 30, 2019, shall require separate legislation.

F E. Out of the appropriation for this Item, \$4,669,833 the first year and \$4,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.

G F. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year from the general fund may be provided to the Virginia Economic Development Partnership to facilitate additional domestic and international marketing and trade missions approved by the Governor. The Director, Department of Planning and Budget, is authorized to provide these funds to the Virginia Economic Development Partnership upon written approval of the Governor.

H G. Out of the appropriation for this Item, \$20,000,000 the first year from the general fund shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company in a qualified locality in accordance with § 59.1-284.32, Code of Virginia, and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

I H. Out of the appropriation in this Item, \$8,000,000 the first year and \$8,000,000 the second year from the general fund shall be deposited to the Advanced Shipbuilding Production Facility Grant Fund for grants to be paid in accordance with § 59.1-284.29, Code of Virginia.

J I. Out of the appropriation in this Item, \$5,310,000 the first year and \$2,900,000 the second year from the general fund shall be deposited to the Special Workforce Grant Fund for grants to be paid in accordance with § 59.1-284.30, Code of Virginia.

K J. Out of the appropriation in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified truck manufacturing company in a qualified locality in accordance with legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

E K.1. Out of the appropriation in this Item, \$3,230,000 the first year and \$2,993,750 the second year from the general fund shall be deposited to a special, nonreverting fund for the

Amendments to SB 5015 (as Introduced)

award of grants in accordance with legislation to be considered by the 2020 General Assembly.

2. Of the amounts deposited to the fund, \$2,500,000 the first year and \$2,500,000 the second year may be awarded as grants to a qualified pharmaceutical company in a qualified locality pursuant to the legislation and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

3. Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second year may be awarded as grants to a comprehensive community college and a baccalaureate public institution of higher education in or near the eligible county pursuant to the legislation.

~~M~~ L. Out of the appropriation in this Item, \$500,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified advanced production company in a qualified locality in accordance with legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

~~N~~ M.1. Out of the amounts in this item, \$425,000 the first year and \$825,000 the second year from the general fund shall be deposited to the Governor's New Airline Service Incentive Fund to assist in the provision of marketing, advertising, or promotional activities by airlines in connection with the launch of new air passenger service at Virginia airports, and to incentivize airlines that have committed to commencing new air passenger service in Virginia, pursuant to the provisions of § 2.2-2320.1, Code of Virginia.

2. Notwithstanding the provisions of § 2.2-2320.1, Code of Virginia, 25 percent of the annual appropriation to the Governor's New Airline Service Incentive Fund shall be set aside for projects in Virginia commercial airports with less than 400,000 enplanements per calendar year for the purposes of economic development in these areas. Enplanement data shall come from the Federal Aviation Administration."

Explanation:

(This amendment removes appropriations for economic development incentive payments related to the Rolls-Royce facility in Prince George County. The facility is closing due to a COVID-related drop in demand in the aerospace industry. Upon enrolling, Item 112 will be set out and enrolled appropriately.)

Amendments to SB 5015 (as Introduced)

		Item 131 #1s	
Commerce and Trade	FY20-21	FY21-22	
Virginia Employment Commission	\$325,000 5.00	\$325,000 5.00	GF FTE

Language:

Page 33, line 9, strike "\$555,338,468" and insert "\$555,663,468".

Page 33, line 9, strike "\$552,133,812" and insert "\$552,458,812".

Page 33, line 9, strike "Not set out." and insert:

Drawn to Chapter 1289

"Workforce Systems Services (47000)	\$555,338,468 \$555,663,468	\$552,133,812 \$552,458,812
Job Placement Services (47001)	\$31,718,264	\$31,718,264
Unemployment Insurance Services (47002)	\$522,735,822 \$523,060,822	\$519,531,166 \$519,856,166
Workforce Development Services (47003)	\$884,382	\$884,382
Fund Sources: <i>General</i>	\$325,000	\$325,000
Special	\$8,931,271	\$8,931,271
Trust and Agency	\$546,407,197	\$543,202,541

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

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B.1. Reed Act funds distributed by the Employment Security Financing Act of 1954 with respect to the federal fiscal years 1956, 1957, and 1958 and credited to the agency from the proceeds related to the sale of agency property with federal equity are hereby appropriated (up to \$600,000) to maintain service levels in the agency's local offices.

2. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission, and shall not be subject to the requirements of § 60.2-305, Code of Virginia. Reed Act funds from the Balanced Budget Act are hereby appropriated (up to \$2.2 million, not to exceed the balance of said Reed Act funds) to pay for upgrading the information technology systems at the Virginia Employment Commission.

C. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.

D. Notwithstanding any other provision of law, all fees incurred by the Virginia Employment Commission with respect to the collection of debts authorized to be collected under § 2.2-4806 of the Code of Virginia, using the Treasury Offset Program of the United States, shall become part of the debt owed the Commission and may be recovered accordingly.

E. Workforce development programs shall give priority to assisting Medicaid enrollees who are required to participate in the Training, Education, Employment and Opportunity Program to the extent allowed by federal law.

F. The Governor shall have the authority to alter the administration of the provisions of the Virginia Unemployment Compensation Act, Title 60.2 of the Code of Virginia, to meet the exigencies of a health emergency crisis.

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G. Out of the amounts in this item, \$325,000 the first year and \$325,000 the second year from the general fund is provided to support five positions responsible for investigating and responding to legislative and judicial inquiries."

Explanation:

(This amendment provides \$325,000 GF each year and five positions that will be responsible for investigating and responding to legislative and judicial inquiries of the VEC. Upon enrolling, Item 131 will be set out and enrolled appropriately.)

Item 144 #1s

Education

Direct Aid to Public Education

Language

Language:

Page 36, strike line 3, and insert:

"Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300)	\$45,771,554	\$44,194,141
General Management and Direction (49901)	\$45,771,554	\$44,194,141
Fund Sources:		
General	\$45,771,554	\$44,194,141

Authority: Discretionary Inclusion.

Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs (14300)

Supplemental Education Assistance Programs FY 2021 (14304)	FY 2021	FY 2022
Achievable Dream	\$500,000	\$500,000
Active Learning Grants	\$250,000	\$0
American Civil War Museum	\$1,000,000	\$0

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Black History Museum and Cultural Center of Virginia	\$1,300,000	\$0
Blue Ridge PBS	\$500,000	\$500,000
Bonder and Amanda Johnson Community Development Corporation	\$100,000	\$0
Brooks Crossing Innovation and Opportunity Center	\$250,000	\$250,000
Career and Technical Education Regional Centers	\$660,000	\$660,000
Career and Technical Education Resource Center	\$298,021	\$298,021
Career Council at Northern Neck Career & Technical Center	\$60,300	\$60,300
Chesterfield Recovery High School	\$250,000	\$250,000
College Partnership Laboratory School	\$50,000	\$50,000
Communities in Schools (CIS)	\$2,004,400	\$2,004,400
Computer Science Teacher Training	\$550,000	\$550,000
Early Childhood Educator Incentive	\$3,000,000	\$5,000,000
Emil and Grace Shihadeh Innovation Center	\$250,000	\$0
Great Aspirations Scholarship Program (GRASP)	\$500,000	\$500,000
Jobs for Virginia Graduates (JVG)	\$2,243,776	\$2,243,776
Literacy Lab - VPI Minority Educator Fellowship	\$300,000	\$0
National Board Certification Program	\$5,021,609	\$5,009,196
Newport News Aviation Academy - STEM Program	\$100,000	\$0
Newport News - Soundscapes	\$90,000	\$0
Petersburg Executive Leadership Recruitment Incentives	\$350,000	\$350,000
Positive Behavioral Interventions & Support (PBIS)	\$1,598,000	\$1,598,000
Power Scholars Academy - YMCA BELL	\$1,000,000	\$1,000,000
Praxis and Virginia Communication and Literacy Assessment Assistance for Provisionally Licensed Minority Teachers	\$50,000	\$50,000
Project Discovery	\$962,500	\$962,500
School Program Innovation	\$500,000	\$500,000
Small School Division Assistance	\$145,896	\$145,896
Southside Virginia Regional Technology Consortium	\$108,905	\$108,905
Southwest Virginia Public Education Consortium	\$124,011	\$124,011

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STEM Program / Research Study (VA Air & Space Center)	\$681,975	\$681,975
STEM Competition Team Grants	\$200,000	\$200,000
Targeted Extended/Enriched School Year and Year-round School Grants	\$7,763,312	\$7,763,312
Teach for America	\$500,000	\$500,000
Teacher Improvement Funding Initiative	\$15,000	\$15,000
Teacher Recruitment & Retention Grant Programs	\$2,181,000	\$2,181,000
Teacher Residency Program	\$1,750,000	\$1,750,000
Van Gogh Outreach Program	\$71,849	\$71,849
Virginia Early Childhood Foundation (VECF)	\$6,250,000	\$6,250,000
Virginia Reading Corps	\$600,000	\$600,000
Virginia Student Training and Refurbishment (VA STAR) Program	\$300,000	\$300,000
Vision Screening Grants	\$391,000	\$391,000
Vocational Lab Pilot	\$175,000	\$0
Western Virginia Public Education Consortium	\$50,000	\$50,000
Wolf Trap Model STEM Program	\$725,000	\$725,000
Total	\$45,771,554	\$44,194,141

A. Out of this appropriation, the Department of Education shall provide \$2,243,776 the first year and \$2,243,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$108,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

D. An additional state payment of \$145,896 the first year and \$145,896 the second year from

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the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.

E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,021,609 the first year and \$5,009,196 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

G. This appropriation includes \$2,181,000 the first year and \$2,181,000 the second year from the general fund for grants, scholarships, and incentive payments to attract, recruit, and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's public schools.

1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the general fund is provided for teaching scholarship loans. These scholarships shall be for undergraduate students in college with a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent, who are nominated by their Virginia regionally accredited college or university, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia, except as provided herein. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for the top ten critical teacher shortage disciplines, however minority students may be enrolled in any content area for teacher preparation. Upon program completion, scholarship recipients may fulfill the scholarship loan obligation by teaching in the public schools of the Commonwealth in the first full academic year after becoming eligible for a renewable teaching license in the appropriate endorsement area and teaching for at least two years in a school division (i) in one of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a Virginia public school with 50 percent or more of the students eligible for free or reduced price lunch; or (iii) in a school division designated critical shortage subject area, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship recipients who only complete one year of the teaching obligation shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based on up to \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical

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shortage teaching areas in Virginia.

a. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.

b. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation.

c. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools experiencing difficulty in recruiting qualified teachers. Eligible teachers must (i) be employed full-time in a Virginia school division or school with more than 40 percent of the students eligible for free or reduced price lunch; (ii) be entering their first, second, or third year of teaching experience; and (iii) hold a five- or ten-year valid Virginia teaching license with an endorsement in Middle Education 6-8: Mathematics, Mathematics-Algebra-I, Mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, Physics, Engineering, or Technology Education and be assigned to a teaching position in a corresponding STEM subject area. Selected eligible teachers will receive a \$5,000 incentive award after the completion of each year of full-time teaching experience, up to three consecutive years under the grant, in an eligible school division or school with a satisfactory performance evaluation and a written commitment to return in the same school division for the following school year. The maximum incentive award for each eligible teacher is \$15,000. Eligibility for these incentives shall be determined through an application process whereby school divisions shall apply to the Department of Education. Priority for distribution of these incentives shall be to school divisions experiencing the most acute difficulties in recruiting qualified teachers, as determined using Department of Education criteria. For the purpose of the award of the additional \$1,000 to individuals who received funds under this program prior to July 1, 2018, the criteria provided in Chapter 1, 2018 Acts of Assembly, Special Session I, shall continue to apply through fiscal year 2021. For individuals who received funds under this program prior to July 1, 2020, the criteria provided in Chapter 854, 2019 Acts of Assembly, shall continue to apply. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the general fund is provided to help school divisions recruit and retain qualified middle-school

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mathematics teachers. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division. The Department of Education shall make payments on behalf of the scholarship recipients directly to the *regionally accredited* Virginia institution of higher education where the scholarship recipient is enrolled ~~full-time or part-time in an approved undergraduate or graduate teacher education program~~ *in courses for credit* applicable to dual enrollment course curriculum available for public high school students. The lifetime maximum dual enrollment tuition scholarship award for each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment tuition scholarship awards shall be determined through an application process whereby school divisions shall apply to the Department of Education. In the application process, the applying school division shall include: i) an explanation of why such dual enrollment tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be offered by the scholarship recipient's high school and taught by the recipient upon the recipient's successful completion of required coursework for appropriate credentialing to teach such dual enrollment courses, and iii) the projected student enrollment in the recipient taught public high school dual enrollment courses. The Department of Education shall compile and report the application information for each applying school division, and shall also report the number of recipients and amount of tuition awarded to each school division, the institution of higher education receiving tuition, the credentialing area pursued by recipients, and dual enrollment courses offered after the recipient's successful completion of the pursued credentialing. The Department shall submit the report by June 30, 2020, and annually thereafter, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

I. Out of this appropriation, the Department of Education shall provide \$2,004,400 the first year and \$2,004,400 the second year from the general fund to Communities in Schools. These funds shall be used to strengthen and sustain existing programming in Hampton Roads, Northern Virginia, Petersburg, Richmond City, and Southwest Virginia and to expand programming to new schools. Further, Communities in Schools is directed to assist the Community School organization with developing opportunities to establish a Community School program in interested school divisions.

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J. Out of this appropriation, the Department of Education shall provide \$962,500 the first year and \$962,500 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.

2. Each participating community action agency shall submit annual performance metrics for services provided through the Project Discovery program that provide measurable evaluations and outcomes of participating students. Such performance metrics shall include evidenced-based data that effectively measure academic improvement outcomes. In addition, the performance metrics shall also include evidenced-based data to evaluate the specific effectiveness of the program for participating students on a longitudinal basis. Further, the performance metrics shall include the coordination and collaboration efforts the program staff regularly have with the school-based personnel, such as teachers and guidance counselors, that support and maximize opportunities of participating students to successfully graduate from high school and then to enroll and graduate from an institution of higher learning. Project Discovery shall submit a comprehensive and cumulative program performance metrics evaluation to the Department of Education no later than October 1 each year.

K. Out of this appropriation, the Department of Education shall provide \$300,000 the first year and \$300,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.

L. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be

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used to supplant funding for schools already implementing the program.

M. Targeted Extended/Enriched School Year and Year-round School Grants Payments

1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the general fund is provided for a targeted extended/enriched school year or year-round school incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators, or schools that had an Accredited with Conditions status and were rated at Level Three in two or more Academic Achievement for All Students school quality indicators when the initial application was made. Schools that qualified for the per school grant up to \$400,000 under the previous Standards of Accreditation Denied Accreditation status remain eligible for funding for the initial three year period; after that period, such schools are subject to eligibility under the current Standards of Accreditation. After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.

2. Except for school divisions with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended/enriched school year or year-round school start-up or planning grant.

3. In the case of any school division with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.

4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new extended/enriched school year or year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.

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5. A school division that has been awarded an extended/enriched school year or year-round school start-up grant or planning grant for the development of an extended/enriched school year or year-round school program may spend the awarded grant over two consecutive fiscal years.

6. a) Any such school division receiving funding from a Targeted Extended/Enriched School Year and Year-round School grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended/enriched school year or year-round school model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than September 1 each year.

b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than November 1 each year.

7. Any funds remaining in this paragraph following grant awards may be disbursed by the Department of Education as grants to school divisions to support innovative approaches to instructional delivery or school governance models.

N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided through grants or contracts for the cost of fees and financial incentives associated with hiring teachers in challenged schools. These funds may be used for grants or contracts awarded and expenses associated with supporting the Teach for America program. School divisions or their partners may apply for those funds through applications submitted to the Department of Education. Applications must be submitted to the Department of Education by September 1 each year. Within the fiscal year, any unobligated balance may be used for the Teacher Residency program.

O. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield, Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond, Suffolk, and Wythe Public Schools to continue or initiate STEM and early literacy model programs for preschool, kindergarten, and first grade students. The model will also support growth in the 5C skills identified in the Profile of a Virginia Graduate. Within this appropriation, funds may support further expansion in rural divisions from Regions 3, 6, or 8, based on need. Each developed model will focus on enhancing children's learning experiences through the arts.

P. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division.

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Q. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year from the general fund is provided for grants for teacher residency partnerships between university teacher preparation programs and the Petersburg, Norfolk, and Richmond City school divisions and any other university teacher preparation programs and hard-to-staff school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1 each year.

Partner school divisions shall provide at least one-third of the cost of each program and shall provide data requested by the university partner in order to evaluate program effectiveness by the mutually agreed upon timelines. Each university partner shall report annually, no later than June 30, to the Department of Education on available outcome measures, including student performance indicators, as well as additional data needs requested by the Department of Education. The Department of Education shall provide, directly to the university partners, relevant longitudinal data that may be shared. The Department of Education shall consolidate all submissions from the participating university partners and school divisions and submit such consolidated annual report to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 each year.

R. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.

S. Out of this appropriation, \$6,250,000 the first year and \$6,250,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.

1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for general operations of the Foundation's grant program to strengthen the capacity of local communities to promote school readiness for young children through innovative regional partnerships.

2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to operate a scholarship program to increase the skills of Virginia's early education workforce.

3. Of this amount, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided for a pilot initiative to support public-private delivery of pre-kindergarten services for at least 500 at-risk three- and four-year-old children each year. Programs must provide full-day or half-day and, at least, school-year services.

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a) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating provider and grantees must certify that the Virginia Preschool Initiative standards are followed in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of Learning for Kindergarten.

b) The Department of Education shall require and ensure that all participating classrooms have the quality of their teacher-child interactions assessed through a rigorous and research-based observation instrument at least once every two years.

c) Any locality that desires to participate in this grant program must submit a proposal each year to the Virginia Early Childhood Foundation. For the first year, the application must be submitted by August 15. For subsequent years, the application must be submitted by May 15 to align with the Virginia Preschool Initiative timeline. Each application shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk three- and four-year-old children in private settings that demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk children.

d) The proposal must demonstrate: (i) coordination with all parties necessary for the successful delivery of comprehensive services, including schools, child care providers, local social services agencies, Head Start, local health departments, and other groups identified by the lead agency, (ii) a plan for supporting inclusive practices for children with identified special needs, and (iii) a plan to transition the pilot into a sustainable program that is supported with a similar level of state support as Virginia Preschool Initiative slots.

e) Local plans must indicate the number of at-risk three- and four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the current program guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community.

f) Notwithstanding any provisions of § 22.1-299, Code of Virginia, and in order to achieve the priorities of the Joint Subcommittee on Early Childhood Care and Education for exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia, recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility within their respective pilot initiative in order to fully implement the associated goals and objectives of the pilot.

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Recipients of a Mixed-Delivery Preschool grant and divisions participating in such grant pilot activities shall be exempted from all regulatory and statutory provisions related to teacher licensure requirements and qualifications when paid by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.

g) Children served by the pilots shall be assigned student identification numbers as provided in § 22.1-287.03 B of the Code of Virginia to evaluate pilot program outcomes and to permit comparison with Virginia Preschool Initiative outcomes.

h) Pilot providers shall provide information to the Department of Education as necessary to fulfill the reporting requirement established.

T. This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund to support ten competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic Elementary, Middle, and/or High School Program Innovation by either individual school divisions or consortia of school divisions or implementing a plan for public pre-kindergarten through Grade 12 School Program Innovation previously approved by the Department of Education. The local applicant(s) selected to conduct this systemic approach to school reform, in consultation with the Department of Education, will develop and plan or implement innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which individual school divisions or consortia of divisions will receive the year-long planning grant for public pre-kindergarten through Grade 12 School Innovation or a grant to implement an Elementary, Middle, and/or High School Program Innovation plan previously approved by the Department of Education. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning or implementation for systemic school innovation is to take place.

U. Out of this appropriation, \$100,000 the first year from the general fund is provided to support the Newport News Aviation Academy's four-year high school STEM program, which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.

V. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is provided for grants to school divisions of up to \$5,000 each to explore alternative teacher compensation

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approaches that move away from tenure-based step increases toward compensation systems based on teacher performance and student progress. Priority will be given to school divisions that have not previously explored alternative compensation approaches and have schools not achieving full accreditation, or that have high numbers of at-risk students needing qualified teachers in hard-to-staff subjects.

W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.

X. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the general fund is provided to support a multi-platform STEM education engagement program and research study, via the Virginia Air & Space Center.

Y. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is provided for executive leadership incentives in the Petersburg City Public Schools to strengthen the impact of division and school level executive leadership on student achievement in the school division. Such incentives may include, but not be limited to, supplements to locally funded salaries, deferred salary compensation, bonuses, housing and commuting supplements, and professional development supplements. The Department of Education shall provide such executive management incentive payments directly to the Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding entered into between the Board of Education and the Petersburg City School Board, which shall cover no less than both years of the biennium and may be amended with the consent of both parties. Such Agreement shall include operational and student achievement metrics and include provisions for the achievement of such metrics as a condition of payment of the incentive funds by the Department of Education. The Department of Education shall provide updates on the Agreement to the Chairmen of the Senate Finance and House Appropriations Committees.

Z. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general fund shall be reserved for school divisions to partner with the Virginia Reading Corps program. The implementation partner shall determine and select partner school divisions. The Virginia Reading Corps shall report annually to the school divisions and Department of Education on the outcomes of this program.

AA. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for Chesterfield County Public Schools to partner and plan with Virginia State University for the continued development of a College Partnership Laboratory School in support of Ettrick Elementary School.

BB. Out of this appropriation, \$175,000 the first year from the general fund is provided to establish a Career and Technical Education Vocational Laboratory pilot that will be located within the Virginia Aviation Academy located in the Newport News school division. This

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vocational-based lab will be developed and focused on advanced, augmented and virtual reality related education.

CC. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for praxis assistance and Virginia Communication and Literacy Assessment assistance for provisionally licensed minority teachers seeking full licensure in Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation programs, or nonprofit organizations in all regions of the state to subsidize test fees and the cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.

DD. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the general fund is provided to school divisions to pay for a portion of the vision screening of students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter 312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of \$7.00 for each student reported in average daily membership and enrolled in kindergarten, grades three, seven and ten and who has received such vision screening test. The Department of Education shall administrator and distribute reimbursements to school divisions and the funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization shall be given the schools that would most benefit from state assistance in order to provide such vision screening service to students that are eligible for free lunch.

EE. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the general fund is provided for annual grants of \$60,000 to each of the nine regional career and technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools' Norfolk Technical Center, to expand workforce readiness education and industry based skills.

FF. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from the general fund is provided to CodeVA for the development, marketing, and implementation of high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth using the Computer Science Standards of Learning For Virginia Public Schools, which were reviewed and endorsed by the Virginia Board of Education in November 2017. The provided funds may be utilized for planning, preparing and materials needed for teacher training sessions provided during the biennium.

2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.

GG. Out of this appropriation, \$1,000,000 the first year from the general fund is provided to the

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American Civil War Museum to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences for students to engage in educational content, aligned to Virginia's Standards of Learning, related to the history of the American Civil War.

HH. Out of this appropriation, \$1,300,000 the first year from the general fund is provided to the Black History Museum and Cultural Center of Virginia to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences and traveling exhibitions for students to engage in educational content, aligned to Virginia's Standards of Learning, related to African American History.

II. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided to the Western Virginia Public Education Consortium. Funds shall be used to support the consortium's annual job fair and professional development conferences for teachers and administrators from the consortium's 23 member local school divisions.

JJ. To strengthen quality and reduce turnover in hard-to-serve preschool classrooms, \$3,000,000 the first year and \$5,000,000 the second year from the general fund shall be used to supplement the Early Childhood Educator Incentive created through the Preschool Development Grant Birth to Five. The Virginia Department of Education shall set the specific guidelines for the program and funds.

KK. Out of this appropriation, \$250,000 the first year from the general fund shall be provided for grants to school divisions to encourage active learning for students in pre-kindergarten through the second grade. School divisions seeking to apply for this grant shall submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students to be served. The Department shall establish criteria for awarding these funds. The funds may be used to purchase a platform featuring on-demand adventures that transform math and English Standards of Learning content into movement-rich activities. The Department of Education shall summarize the grants awarded, identifying the recipient school divisions, intended use of funds, and number of students served. Such summary shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.

LL. Out of this appropriation, \$500,000 each year from the general fund is provided to Blue Ridge PBS for educational outreach programming.

MM. Out of this appropriation, \$100,000 the first year from the general fund is provided for the Bonder and Amanda Johnson Community Development Corporation for programming and outreach efforts.

NN. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the

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general fund is provided for the Brooks Crossing Innovation and Opportunity Center in Newport News to purchase industry-related equipment, training simulators and software to support career training, wealth building, and individual casework.

OO. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided to the Chesterfield County School Board to assist with establishing a recovery high school as a year-round high school with enrollment open to any high school student residing in Superintendent's Region 1 who is in the early stages of recovery from substance use disorder or dependency. Students in the high school will be provided academic, emotional, and social support needed to progress toward earning a high school diploma and reintegrating into a traditional high school setting. The Chesterfield County School Board shall submit a report regarding the planning, implementation, and outcomes of the recovery high school to the Chairs of the House Appropriations and Senate Finance and Appropriations Committee by December 1 each year.

PP. Out of this appropriation, \$250,000 the first year from the general fund is provided to Winchester Public Schools for one-time support for furniture and equipment for the renovated Emil and Grace Shihadeh Innovation Center.

QQ. Out of this appropriation, \$300,000 the first year from the general fund is provided for a fellowship program administered by the Literacy Lab to place recent high-school graduates of a minority background new to the field of education in VPI or Head Start classrooms of participating local school divisions or community-based early childhood centers to provide evidence based literacy support to at-risk pre-kindergarten students. Such a program must provide training, coaching, and professional development to the fellowship participants, place fellowship participants for at least 800 paid hours within a pre-kindergarten classroom during a school year, work to diversify the educator pipeline, and assist fellowship participants in understanding the teacher education and licensure process in Virginia. Literacy Lab shall partner with school divisions or community-based early childhood centers in Richmond and Portsmouth. Literacy Lab shall report by August 1, 2021 to the Chairs of the House Education and Senate Education and Health Committees, Secretary of Education, and the Superintendent of Public Instruction on its activities to provide training, coaching, and professional development to the fellowship participants, including collaboration with school division partners and community-based early childhood centers, and provide metrics on the success of participants entering the educator pipeline either through employment or a teacher preparation program.

RR. Out of this appropriation, \$90,000 the first year from the general fund is provided to Newport News Public Schools for the Soundscapes social intervention programs.

SS. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided to support pilot-public partnerships between local school divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of YMCAs to

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expand student participation opportunities in existing summer Power Scholars Academies in such partnered school divisions."

Explanation:

(This amendment sets out Item 144 and adds clarifying language, in Paragraph G.4., that the Dual Enrollment Tuition Scholarships Grant funds are for teachers taking courses applicable toward meeting dual enrollment teaching requirements. The current language requires enrollment in a teacher preparation program, which is not applicable for teachers seeking to teach dual enrollment courses. The Department of Education recommended this change to the General Assembly in RD228 - Report on Dual Enrollment Tuition Scholarships Grant Program.)

	Item 145 #1s	
Education	FY20-21	FY21-22
Direct Aid to Public Education	\$95,300,000	\$0 NGF

Language:

Page 36, line 5, strike "\$7,732,305,702" and insert "\$7,827,605,702".

Page 73, after line 27, insert:

"43. COVID-19 Local Relief Payments

a. Out of this appropriation, an amount estimated at \$95,300,000 the first year from the COVID-19 Relief Fund, established in § 2.2-115.1., Code of Virginia shall be distributed to local school divisions as COVID-19 Local Relief payments in support of the Standards of Quality.

b. Notwithstanding § 2.2-115.1., Code of Virginia, the State Comptroller shall distribute the COVID-19 Local Relief payments in the first year based on the net reduction of state funds apportioned to school divisions in this item. The distribution shall be made in monthly payments at the end of each month. Certification of payments and distribution shall be made by the State Comptroller.

c. For the purposes of calculating Required Local Expenditure as defined in this Item, COVID-19 Local Relief payments shall be counted as a credit toward the local share of the costs of the Standards of Quality in the first year."

Explanation:

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(This amendment provides \$95.3 million the first year from the COVID-19 Relief Fund, established in § 2.2-115.1., Code of Virginia, to be disbursed to local school divisions as COVID-19 Local Relief payments in support of the Standards of Quality. These payments will be distributed to local school divisions based on the net reduction of state funds apportioned to school divisions in this item and counted as a credit toward the local share of the costs of the Standards of Quality in the first year.)

Item 293.10 #1s

Health and Human Resources

Children's Services Act

Language

Language:

Page 108, line 7, unstrike "293.10" and insert:

"No community policy management team receiving and disbursing funds under the Children's Services Act to pay for a student's placement in a private school serving students with disabilities shall reduce, unless mutually agreed upon, any previously agreed upon daily or monthly rate for the 2020-21 school year as long as the student's placement is in a private school serving students with disabilities that is continuing to provide a free and appropriate public education. Full or partial transition to remote learning or telehealth services due to a pandemic or declaration of a public health emergency by the Governor shall not be considered grounds for reducing a previously agreed upon daily or monthly rate or terminating or voiding a contract or purchase service order, nor shall it be grounds for amending a previously agreed upon individualized education plan (IEP) for a student with disabilities."

Explanation:

(This amendment adds language prohibiting the reduction of private day school rates for students with disabilities due to the use of remote learning or telehealth services during a pandemic or declared public health emergency.)

Item 299 #1s

Health and Human Resources

Department of Health

Language

Language:

Page 109, after line 3, insert:

"I. The State Health Commissioner shall ensure that residents and employees of any nursing home or assisted living facility receive first priority for any testing indicating the existence of the COVID-19 virus in the Commonwealth. The Commissioner shall make available public

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health testing, if necessary, in order to ensure that nursing homes or assisted living facilities have access to testing that can provide the most rapid results in order to prevent or contain outbreaks of COVID-19. Such testing shall be provided, as needed, by the Division of Consolidated Laboratory Services or other public health testing agencies of the Commonwealth. Any testing costs through the public health system for employees or residents of nursing homes or assisted living facilities may be billed to responsible third-parties."

Explanation:

(This amendment provides for residents and employees of nursing facilities or assisted living facilities to have priority in testing for COVID-19 to help prevent or contain outbreaks in such long-term care facilities, where the most vulnerable and fatal impacts from COVID-19 have occurred to date. Item 299 will be set out during the enrolling process.)

	Item 312 #1s		
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$3,111,848)	(\$4,210,186)	GF
	(\$7,276,560)	(\$7,818,918)	NGF

Language:

Page 110, line 33, strike "\$251,771,102" and insert "\$241,382,694".
Page 110, line 32, strike "\$270,236,306" and insert "\$258,207,202".

Explanation:

(This amendment captures savings in the Family Access to Medical Insurance Security (FAMIS) program from lower managed care rates that took effect on July 1, 2020. Rates for the Medallion 4.0 program decreased 5.49 percent for base Medicaid and 5.72 percent for expansion Medicaid.)

	Item 313 #1s		
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$56,144,433)	(\$73,451,682)	GF
	(\$56,144,433)	(\$73,451,682)	NGF

Language:

Page 111, line 28, strike "\$16,358,800,776" and insert "\$16,246,511,910".
Page 111, line 27, strike "\$17,137,554,276" and insert "\$16,990,650,912".

Explanation:

(This amendment captures savings in the Medicaid program from lower managed care rates that

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took effect on July 1, 2020. Rates for the Medallion 4.0 program decreased 5.49 percent for base Medicaid and 5.72 percent for expansion Medicaid. For the Commonwealth Coordinated Plus program the rates declined 0.12 percent for base Medicaid and 0.39 percent for expansion Medicaid.)

Item 313 #2s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMMM. The Department of Planning and Budget shall transfer from Item 317 to this Item an appropriation necessary to cover the administrative costs for managed care organizations to implement the live-in caretaker exemption required pursuant to Senate Bill 5116 approved in the 2020 Special Session I."

Explanation:

(This amendment directs the Department of Planning and Budget to transfer appropriation from the Department of Medical Assistance Services (DMAS) administrative budget the funds necessary to adjust the administrative portion of the managed care capitation rates to reflect the increase in administrative costs for providing a live-in caretaker exemption to the electronic visit verification requirement pursuant to Senate Bill 5116. DMAS' administrative budget has sufficient funding to cover these costs.)

Item 313 #3s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMMM. The Department of Medical Assistance Services (DMAS) shall modify the disbursement methodology for the State's allocation of federal CARES Act funding to nursing facilities and assisted living facilities to define eligible costs for reimbursement from this funding as COVID-related costs incurred since March 12, 2020, or as far back as the CARES Act allows."

Explanation:

(This amendment directs the Department of Medical Assistance Services to modify the disbursement rules for the \$20 million in state-allocated CARES Act funding for assisted living

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facilities and approximately \$33 million in state-allocated CARES Act funding for nursing facilities to remove an impediment to providers' access to these funds. The current limit on only using incurred costs from July 1, 2020 forward leaves substantial unreimbursed COVID-costs from the inception of the crisis for both assisted living and nursing facilities being excluded from reimbursement.)

		Item 313 #4s	
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$625,000) \$625,000	(\$2,500,000) \$2,500,000	GF NGF

Language:

Page 112, line 32, strike "\$472,802,840" and insert "\$473,427,840".
 Page 112, line 33, strike "\$486,936,557" and insert "\$489,436,557".

Explanation:

(This amendment reflects the additional revenue estimated at \$625,000 the first year and \$1.5 million the second year from the Other Tobacco Products tax through the application of nexus standards for out-of-state dealers. The introduced budget for the Special Session included language clarifying the policy but did not include a revenue estimate. In addition, revenue of \$1.0 million the second year is assumed for the provision included in the introduced budget applying the tobacco products tax to heated tobacco products at a rate of 2.25 cents per stick beginning January 1, 2021. The introduced budget assumed no additional revenue from this policy change. This amendment captures the revenue, which is deposited to the Health Care Fund that supports the state match for Medicaid. Therefore, the increase in revenue offsets state general funds that are otherwise required to fund the Medicaid program.)

		Item 313 #5s	
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0 \$0	(\$7,093,377) (\$7,093,377)	GF NGF

Language:

Page 111, line 27, strike "\$17,137,554,276" and insert "\$17,123,367,522".

Explanation:

(This amendment redirects \$7.1 million the second year from the general fund provided in the 2020 Session for 350 developmental disability (DD) waiver slots in fiscal year 2022 to fund an increase in provider rates. The COVID-19 pandemic has placed additional stress on DD waiver

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providers. The rate increase approved in the 2020 Session was unallotted in April and then eliminated in the Governor's proposed budget for the Special Session. The dual impact of these actions make a provider rate increase necessary to ensure the viability of DD waiver providers. The General Assembly will have the opportunity to reconsider funding for these waiver slots in the 2021 Session. A separate amendment in Central Appropriations directs funding, contingent on additional state general fund revenue above the forecast, for the 350 waiver slots.)

Item 313 #6s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 144, line 26, after "IIII." insert "1."

Page 144, line 26, after "Effective", strike "January" and insert "July".

Page 144, after line 45, insert:

"2. The Department of Planning and Budget shall have the authority to transfer appropriation from Item 317 to Item 316 in this act, as needed, to fund the administrative costs of implementing the new Medicaid dental benefit for adults if the existing appropriation in item 316 is insufficient."

Explanation:

(This amendment changes the effective date of the new Medicaid adult dental benefit from January 1, 2021 to July 1, 2021, to reflect the restoration of funding, which is included in a separate amendment in Item 482.20. In addition, budget language is added to provided authority to move funding from the administrative program of the agency to cover the increased costs of the dental benefits administrator related to the new dental benefit.)

Item 313 #7s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 141, line 55, after "Effective,", strike "July 1, 2020" and insert "January 1, 2021".

Explanation:

(This amendment changes the effective date for the allowance of overtime by consumer-directed personal care attendants from July 1, 2020 to January 1, 2021 to reflect the restoration of funding for this policy change in a separate amendment to Item 482.20.)

Item 313 #8s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 137, line 2, after "July 1,", strike "2020" and insert "2021".

Explanation:

(This amendment changes the effective date from July 1, 2020 to July 1, 2021 for the elimination of the 40 quarter work requirement for lawful permanent residents to qualify for Medicaid to reflect the restoration of funding for this policy change in the second year, which is reflected in a separate amendment to Item 482.20.)

Item 313 #9s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 138, line 20, after "Effective July 1,", strike "2020" and insert "2021".

Explanation:

(This amendment changes the effective date for the increase in Medicaid developmental disability provider rates from July 1, 2020 to July 1, 2021 to reflect the partial restoration of funding in the second year for the rate change, which is included in a separate amendment to Item 482.20.)

Item 313 #10s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 139, line 55, after "July 1," strike "2020" and insert "2021".

Explanation:

(This amendment changes the effective date from July 1, 2020 to July 1, 2021 for the limitation on Medicaid managed care reimbursement for durable medical equipment to reflect the restoration of funding for this policy change in the second year, which is included in a separate

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amendment to Item 482.20.)

Item 313 #11s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 141, line 21, after "July 1,", strike "2020" and insert "2021".

Explanation:

(This amendment changes the effective date for the increase in Medicaid rates for anesthesiologists from July 1, 2020 to July 1, 2021 to reflect the restoration of funding for this rate change, which is included in a separate amendment to Item 482.20.)

Item 313 #12s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 141, line 50, after "July 1,", strike "2020" and insert "2021".

Explanation:

(This amendment changes the effective date for the rate increase for skilled and private duty nursing services in Medicaid from July 1, 2021 to July 1, 2021 to reflect the partial restoration of funding included in a separate amendment in Item 482.20.)

Item 313 #13s

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

\$11,152,785
\$11,152,785

\$0 GF
\$0 NGF

Language:

Page 111, line 28, strike "\$16,358,800,776" and insert "\$16,381,106,346".

Page 145, line 14, after "effective", strike "for the period of the" and insert "until June 30, 2021".

Page 145, line 15, strike "Governor's Declaration of a State of Emergency due to COVID-19".

Explanation:

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(This amendment adds \$11.2 million from the general fund and \$11.2 million in matching federal Medicaid funds to extend the \$20 per day add-on to Medicaid nursing and specialized care facility rates to June 30, 2021, to provide stability to the nursing home industry during the COVID-19 crisis. The funding includes the estimated cost of the \$20 a day for the last quarter of fiscal year 2021 and assumes the prior costs are included in the 2020 Official Medicaid Forecast.)

Item 313 #14s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 132, strike lines 24 through 27, and insert:

"9. The Department of Planning and Budget shall create a new Service Area in this Item for Program 45600, appropriately named, and transfer the appropriation included in this Item for graduate medical education residency slots to this new service area. The appropriation in the new service area shall be excluded from the Official Medicaid Forecast."

Explanation:

(This amendment creates a new service area to account for the funding provided to hospitals to support graduate medical residency slots. It also directs the Department of Planning and Budget to transfer \$3.1 million the first year and \$3.9 million the second year to the new service area. Language clarifies that this appropriation in this new service area is not included as part of the Official Medicaid Forecast.)

Item 313 #15s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMMM. The Department of Medical Assistance Services shall submit a request to amend its 1915(c) Home and Community-Based Services (HCBS) waivers with an Emergency Preparedness and Response Appendix K to the Centers for Medicare and Medicaid Services to allow telehealth and virtual and/or distance learning for Group Day, Supported Employment and Benefits Planning services for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic. The department shall have the authority to implement this change prior to the completion of the regulatory process."

Amendments to SB 5015 (as Introduced)

Explanation:

(This amendment directs the Department of Medical Assistance Services to submit a waiver to the Centers for Medicare and Medicaid Services to allow telehealth and virtual and/or distance learning for Group Day, Supported Employment and Benefits Planning Services for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic. The Appendix K will allow recipients to maintain skills, and to learn new skills including expanded socialization opportunities during the COVID-19 pandemic. Many Group Day programs closed in March 2020 and Supported Employment and Benefits Planning services are being minimally provided because of health and safety concerns.)

Item 315 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$2,322,022) (\$5,429,678)	(\$3,252,087) (\$6,039,591)	GF NGF

Language:

Page 145, line 30, strike "\$221,663,925" and insert "\$213,912,225".
Page 145, line 29, strike "\$237,496,600" and insert "\$228,204,922".

Explanation:

(This amendment captures savings in the Medicaid Children's Health Insurance Program from lower managed care rates that took effect on July 1, 2020. Rates for the Medallion 4.0 program decreased 5.49 percent for base Medicaid and 5.72 percent for expansion Medicaid.)

Item 320 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Behavioral Health and Developmental Services	\$116,612 2.00	\$233,224 2.00	GF FTE

Language:

Page 147, line 23, strike "\$123,177,138" and insert "\$123,293,750".
Page 147, line 23, strike "\$110,597,199" and insert "\$110,830,423".

Explanation:

(This amendment provides \$116,612 the first year and \$233,224 the second year from the general fund to the Department of Behavioral Health and Developmental Services for two staff to oversee implementation of a mental health awareness response system pursuant to Senate Bill 5038. Item 320 will be set out during the enrolling process.)

Item 320 #2s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 147, after line 23, insert:

"HH. Out of this appropriation, \$940,000 the first year and \$940,000 the second year from the general fund shall be provided to Commonwealth Autism Services to assist in coordination of services for people with developmental disabilities in regards to autism assessments and services in Virginia."

Explanation:

(This amendment sets out in language the long-standing passthrough grant that the Department of Behavioral Health and Developmental Services has been providing to Commonwealth Autism Services since fiscal year 2010. This technical language change ensures the department complies with state procurement rules. Item 320, to which this amendment adds a paragraph, will be set out upon enrolling.)

Item 322.10 #1s

Health and Human Resources

Grants to Localities

Language

Language:

Page 148, line 18, unstrike "322.10".

Page 148, line 39, unstrike:

"Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, and."

Page 148, unstrike lines 40 through 44.

Explanation:

(This amendment restores language that was inadvertently stricken in the introduced budget which eliminates the requirement that Community Services Boards and Behavioral Health Authorities increase STEP-VA services beyond those that are funded in Chapter 854, 2019 Acts of Assembly, unless an appropriation is available and an allotment of funds is made. The budget passed in March provided additional funding for outpatient services, peer support services, expanded crisis services and military and veteran's mental health services through STEP-VA, and when funding was unallotted in April due to the COVID-19 pandemic, language was added eliminating the requirement to proceed with implementation of these services. The introduced budget for the Special Session eliminates funding for these additional services through STEP-

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VA.)

	Item 356 #1s	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$750,000	\$750,000 NGF

Language:

Page 160, line 48, strike "\$60,357,967" and insert "\$61,107,967".

Page 160, line 47, strike "\$56,207,967" and insert "\$56,957,967".

Page 165, after line 1, insert:

"X. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Cornerstones to provide wrap-around services that solve urgent or on-going requirements for housing, childcare, food or financial assistance that address the needs of families. The contract shall require Cornerstones to report annually on outcomes."

Explanation:

(This amendment provides \$750,000 each year from the Temporary Assistance to Needy Families (TANF) block grant for Cornerstones, a human services agency, to support their wrap-around services to families in Northern Virginia.)

	Item 356 #2s	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$250,000	\$250,000 NGF

Language:

Page 160, line 48, strike "\$60,357,967" and insert "\$60,607,967".

Page 160, line 47, strike "\$56,207,967" and insert "\$56,457,967".

Page 165, after line 1, insert:

"X. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Portsmouth Volunteers for the Homeless to provide wrap-around services for homeless individuals."

Explanation:

(This amendment provides \$250,000 each year from the Temporary Assistance to Needy Families (TANF) block grant for Portsmouth Volunteers for the Homeless to support wrap-around services for homeless individuals.)

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Item 356 #3s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$125,000	\$125,000	NGF

Language:

Page 160, line 48, strike "\$60,357,967" and insert "\$60,482,967".

Page 160, line 47, strike "\$56,207,967" and insert "\$56,332,967".

Page 165, after line 1, insert:

"X. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Menchville House to provide supportive services for homeless individuals."

Explanation:

(This amendment provides \$125,000 each year from the Temporary Assistance to Needy Families (TANF) block grant for Menchville House to provide supportive services for homeless individuals.)

Item 356 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$125,000	\$125,000	NGF

Language:

Page 160, line 48, strike "\$60,357,967" and insert "\$60,482,967".

Page 160, line 47, strike "\$56,207,967" and insert "\$56,332,967".

Page 165, after line 1, insert:

"X. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Family Restoration Services of Hampton to provide supportive services to families in need."

Explanation:

(This amendment provides \$125,000 each year from the Temporary Assistance to Needy Families (TANF) block grant for Family Restoration Services of Hampton to provide supportive services to families in need.)

Item 372 #1s

Natural Resources

Amendments to SB 5015 (as Introduced)

Secretary of Natural Resources

Language

Language:

Page 173, strike line 2 through line 9.

Explanation:

(This amendment removes language directing the Secretaries of Natural Resources and Agriculture and Forestry to develop a plan to require landfill operators to pay a solid waste disposal fee.)

		Item 373 #1s	
Natural Resources		FY20-21	FY21-22
Department of Conservation and Recreation		\$0	(\$3,825,400) GF

Language:

Page 173, line 17, strike "\$99,567,156" and insert "\$95,741,756".
Page 176, line 51, strike "\$34,175,400" and insert "\$30,350,000".

Explanation:

(This amendment reflects changes to the amount calculated for a mandatory deposit to the Water Quality Improvement Fund resulting from a correction in the Commonwealth's final balance sheet for fiscal year 2020. A companion amendment to Item 0 corrects the general fund resources and amendment totals resulting from the balance sheet correction.)

		Item 374 #1s	
Natural Resources			Language
Department of Conservation and Recreation			

Language:

Page 177, line 4, strike "Not set out." and insert:
Amendment drawn to Chapter 1289

"Leisure and Recreation Services (50400)	\$74,050,589	\$73,177,420
Preservation of Open Space Lands (50401)	\$16,650,193	\$16,650,193
Design and Construction of Outdoor Recreational Facilities (50403)	\$894,593	\$894,593
State Park Management and Operations (50404)	\$50,006,739	\$49,873,570

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Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406)	\$6,499,064	\$5,759,064
Fund Sources:		
General	\$37,572,732	\$36,699,563
Special	\$27,511,003	\$27,511,003
Dedicated Special Revenue	\$3,717,124	\$3,717,124
Federal Trust	\$5,249,730	\$5,249,730

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

A.1. Included in the amounts for Preservation of Open Space Lands is \$10,000,000 the first year and \$10,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 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.

3. The Department of Conservation and Recreation and the Virginia Outdoors Foundation shall review the Hayfields Farm property, consisting of approximately 1,034.7 acres more or less in Highlands County, Virginia, Tax Parcel #68A17 and #68A18A, located at 524 Hayfields Lane in McDowell, and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020 on its suitability as a recreational area pursuant to §10.1-200 et. seq., Code of Virginia, for development as a state or regional park. In its review, the agencies shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential user activities at the area or park including but not limited to camping, fishing, hiking, bird watching, equestrian activities, and biking; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of the property's conservation values and natural resources.

B. Included in the amounts for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund and \$1,900,000 the first year and \$1,900,000 the second year from nongeneral funds for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).

Amendments to SB 5015 (as Introduced)

C.1. Out of the amounts appropriated for State Parks Management and Operations, up to \$275,000 the first year and \$275,000 the second year from the general fund shall be paid for the operation and maintenance of Breaks Interstate Park.

2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.

3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.

D. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia Association of Broadcasters.

E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.

F. The department is hereby authorized to enter into an agreement with the non-profit organization that currently owns Natural Bridge to open and operate the facility as a Virginia State Park. Included in the amount for this item is \$376,364 the first year and \$376,364 and five positions from the general fund to increase the operational capacity of Natural Bridge State Park including additional visitor experience, retail, and maintenance functions.

G. Notwithstanding any other provision of the Code of Virginia, as a condition of the expenditure of all amounts included in this item, the department shall not initiate or accept by gift, transfer or purchase with nongeneral funds any new lands for use as a State Park or Natural Area Preserve without a specific appropriation for such purpose by the General Assembly. However, the department is authorized to acquire land as expressly set out in Items C-27 and C-27.10 of Chapter 854, 2019 Acts of Assembly, as well as in-holdings or lands contiguous to an existing State Park or Natural Area Preserve as expressly set out in Items C-40 and C-41 of this act and as provided for in Section 4-2.01 a.1. of this act provided further that acquisitions authorized in Items C-40 and C-41 will not cause the department to incur additional operating expenses. It is not the intent of these provisions to prohibit any acquisitions resulting from mitigation settlements or to prohibit any additional operating expenses resulting from such

Amendments to SB 5015 (as Introduced)

acquisitions.

H.1. Included in the amounts for State Park Management and Operations is \$590,944 the first year and \$590,944 the second year and six positions from the general fund for the initial start-up and ongoing operational costs for Phase I of Widewater State Park in Stafford County. It is the intent of the General Assembly that, as soon as practicable upon completion of Phase 1A, that the Department shall provide public access and proceed to regular revenue generating operations at the Park.

2. The Department of Conservation and Recreation shall collaborate with Stafford County Public Schools, the Friends of Widewater State Park and other interested stakeholders regarding the Science and Environmental Center at Widewater State Park planned to be constructed as part of Phase III in order to ensure the facility is adequate to meet the needs of the community, curriculum collaboration opportunities with local schools, and other needs; determine whether any design changes would further community environmental education goals; determine the availability of any grant, charitable or co-funding opportunities with Stafford County and/or Virginia higher educational institutions; determine the feasibility and costs of any design changes or the necessity of any Master Plan changes; and produce recommendations, if any, relating to such objectives.

I. Included in the amount for this item is \$198,752 the first year and \$198,752 the second year and two positions from the general fund to support the limited operation of Seven Bends State Park.

J. Included in the amount for this item is \$150,000 the first year and \$150,000 the second year from the nongeneral fund amounts appropriated in Item 451 A. for recreational access which shall be used to fabricate and install Supplemental Guide Signs for Virginia State Parks.

K. The department is hereby authorized to enter into an agreement with the United States Forest Service that owns the Longdale Day Use Area to operate the facility as the Green Pastures Unit of Douthat State Park, an extension of Douthat State Park.

L. The Department of Conservation and Recreation shall review the Brandy Station and Cedar Mountain properties and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020 on their suitability as a historical and recreational area pursuant to § 10.1-200 et. seq., Code of Virginia, or development as a state or regional park. In its review, the Department shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential user activities at the area or park including heritage tourism, primitive camping, fishing, bow hunting, boating, equestrian activities, biking and historical and military education; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of existing historic, cultural, archaeological, and natural resources.

M. Included in the amounts for this item is \$160,800 the first year and \$160,800 the second year and two positions from the general fund to support staffing and operations at Mason Neck State

Amendments to SB 5015 (as Introduced)

Park.

N. The Director, Department of Conservation and Recreation, shall assess the feasibility of costs of (i) connecting Mason Neck State Park to a public water supply, and (ii) replacing equipment and providing necessary upgrades to the Park's current well water system. The Director shall report the findings and recommendations of the assessment to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2020.

O. Included in the amount for this item, \$740,000 the first year from the general fund is provided to the City of Danville to develop Riverfront Park. This amount shall be matched by a local appropriation of at least \$740,000 prior to any disbursement from this Item.

P. The Department of Conservation and Recreation shall, no later than November 1, 2021, provide to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations an assessment of the feasibility for development of a linear park along the Shenandoah Valley rail corridor from Front Royal to Broadway, Virginia. The assessment shall include the potential timeline for abandonment of existing Norfolk Southern rail sections B51.0 to B84.0 and CW84.0 to CW99.5, anticipated annual user revenues, and all start-up and ongoing costs of operation as a satellite facility of Seven Bends and Shenandoah State Parks. The Departments of Transportation and Rail and Public Transportation shall provide any technical assistance as may be required in developing the cost assessment."

Explanation:

(This amendment directs the Department of Conservation and Recreation to assess the feasibility of the establishment of a linear park near Seven Bends State Park.)

Item 377 #1s

Natural Resources

Department of Environmental Quality

Language

Language:

Page 179, strike line 49 through line 57 and insert:

"L. The Department shall convene a workgroup of affected stakeholders, including representatives from the regulated industry, local governments and members of the public, to produce recommendations for the Governor and General Assembly regarding the water quality enhancement fee that pursuant to § 62.1-44.15:35 is no longer required to be paid as of September 1, 2020 and Department oversight of nutrient credit use in the Commonwealth. Such recommendations shall be provided to the Governor and General Assembly by December 1, 2020."

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Explanation:

(This amendment removes the Governor's proposed continuation of the water quality enhancement fee that expires on September 1, 2020 and directs the creation of a workgroup to provide recommendations for consideration of DEQ programmatic funding needs prior to the 2021 Regular Session.)

Item 378 #1s

Natural Resources

Department of Environmental Quality

Language

Language:

Page 180, line 4, strike "Note set out." and insert:
Amendment drawn to Chapter 1289

"Air Protection (51300)	\$21,472,948	\$22,064,948
Air Protection Permitting (51325)	\$5,415,049	\$5,877,049
Air Protection Compliance and Enforcement (51326)	\$6,189,758	\$6,189,758
Air Protection Outreach (51327)	\$1,262,360	\$1,262,360
Air Protection Planning and Policy (51328)	\$4,040,995	\$4,040,995
Air Protection Monitoring and Assessment (51329)	\$4,564,786	\$4,694,786
Fund Sources:		
General	\$2,530,380	\$3,122,380
Enterprise	\$9,766,599	\$9,766,599
Dedicated Special Revenue	\$5,195,992	\$5,195,992
Federal Trust	\$3,979,977	\$3,979,977

Authority: Title 10.1, Chapters 11.1 and 13; and Title 46.2, Chapter 10, Code of Virginia.

A. The Department of Environmental Quality is authorized to use up to \$300,000 the first year

Amendments to SB 5015 (as Introduced)

and \$300,000 the second year from the Vehicle Emissions Inspection Program Fund to implement the provisions of Chapter 710, Acts of Assembly of 2002, which authorizes the department to operate a program to subsidize repairs of vehicles that fail to meet emissions standards established by the Air Pollution Control Board when the owner of the vehicle is financially unable to have the vehicle repaired.

B.1. All of the permit program emissions fees collected by the State Air Pollution Control Board pursuant to § 10.1-1322, Code of Virginia, shall be assessed and collected on an annual basis notwithstanding the provisions of that section. The State Air Pollution Control Board shall adopt regulations adjusting permit program emissions fees collected pursuant to § 10.1-1322, Code of Virginia, and establish permit application processing fees and permit maintenance fees sufficient to ensure that the revenues collected from fees cover the total direct and indirect costs of the program consistent with the requirements of Title V of the Clean Air Act, except that the initial adjustment to permit program emissions fees shall not be increased by more than 30 percent over current rates. Notwithstanding the provisions of § 10.1-1322, Code of Virginia, the permit application fees collected pursuant to this paragraph shall not be credited towards the amount of annual fees owed pursuant to § 10.1-1322, Code of Virginia. All of the fees adopted pursuant to this section shall be adjusted annually by the Consumer Price Index.

2. The State Air Pollution Control Board shall adopt regulations to prohibit the sale, lease, rent, installation or entry into commerce in Virginia of any products or equipment that use or will use hydrofluorocarbons for the applications and end uses restricted by Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017. *Notwithstanding the foregoing, such regulations shall not prohibit the use of hydrofluorocarbons in the manufacturing process by extruded polystyrene boardstock and billet manufacturers located in Virginia to produce products for sale and distribution outside of the Commonwealth. In developing regulations, the Board shall solicit input from a workgroup of relevant stakeholders assembled by the Department.*

3. The regulations adopted by the State Air Pollution Control Board to initially implement the provisions of this item shall be exempt from Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2021. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Chapter 40 of Title 2.2, Code of Virginia.

C. Out of the amounts in this Item, \$84,451 the first year and \$84,451 the second year from the general fund is included for the purchase of laboratory and field equipment through the Commonwealth's Master Equipment Leasing Program.

Amendments to SB 5015 (as Introduced)

Explanation:

(This amendment modifies language adopted by the 2020 General Assembly to grandfather existing Virginia-based manufacturers of extruded polystyrene boardstock and billet materials from regulations prohibiting the use of hydrofluorocarbons currently under development by the Department of Environmental Quality.)

Item 383 #1s

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 180, line 37, strike "Not set out." and insert:
Amendment drawn to Chapter 1289

"Administrative and Support Services (59900)	\$10,332,931	\$10,332,931
General Management and Direction (59901)	\$6,983,303	\$6,983,303
Information Technology Services (59902)	\$3,349,628	\$3,349,628
Fund Sources:		
Dedicated Special Revenue	\$8,829,996	\$8,829,996
Federal Trust	\$1,502,935	\$1,502,935

Authority: Title 29.1, Chapter 1, Code of Virginia.

A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.

B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairs of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairs of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairs of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance and Appropriations.

C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues

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related to maintaining the health, safety, and welfare of Lake Anna.

D.1. Subject to review and approval by the Secretary of Natural Resources, the Director of the Department of Game and Inland Fisheries may issue to the Department of Transportation an interim permit to relocate the nest and eggs of any state listed threatened bird species from critical areas of the Hampton Roads Bridge Tunnel Expansion Project's South Island associated with the ingress and egress to the island; the delivery, assembly, and immediate operations of the tunnel boring machine; or other project critical locations as mutually agreed to by the Commissioner of Highways and the Director, which, if not relocated, would effectively require all substantial construction activities to cease.

2. Prior to the issuance of an interim permit as described in Section 1, (i) the Director must determine that the Department of Transportation and its design-build contractor have taken all reasonable steps to prevent birds from nesting on the South Island, in accordance with the Colonial Nesting Bird Management Plan dated March 27, 2020, (ii) the Commissioner of Highways must determine that substantial construction activities will have to cease if the nest and eggs are not relocated, and (iii) the Director shall require as a condition of the interim permit that the nest and any eggs will be relocated under the supervision of the Department of Game and Inland Fisheries to a location acceptable to the Director that is as close as possible to the original nesting location while allowing construction activities to continue.

3. Within 30 days of the adoption by the Board of Game and Inland Fisheries of any regulation governing the take of migratory birds or threatened and endangered species, the Department of Transportation shall apply for a permit covering such take for the Hampton Roads Bridge-Tunnel expansion project.

~~4. Any agency that exercises the authority granted in paragraph D.1, or that issues any permit that has an adverse impact on fish and wildlife or their habitat, may require compensatory mitigation for such adverse impact as a condition of issuing the permit.~~

~~a. For the purposes of this section, "compensatory mitigation" means addressing the direct and indirect adverse impacts to fish and wildlife and their habitats that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.~~

~~b. Proposed compensatory mitigation agreements between an agency and a permittee shall be subject to the approval of the Secretary of Natural Resources, and may include environmental restoration projects, purchase of mitigation bank credits, or in-lieu payments to existing state funds related to conservation of fish and wildlife and their habitat."~~

Explanation:

(This amendment removes language adopted by the Reconvened 2020 Session which provided overly broad authority for agencies within the Natural Resources Secretariat to adopt policies requiring compensatory mitigation agreements outside of the process set out by the

Amendments to SB 5015 (as Introduced)

administrative process act.)

	Item 402 #1s	
Public Safety and Homeland Security	FY20-21	FY21-22
Department of Corrections	\$1,152,377 6.00	\$411,084 6.00 GF FTE

Language:

Page 184, line 14, strike "\$180,872,172" and insert "\$182,024,549".

Page 184, line 14, strike "\$185,414,528" and insert "\$185,825,612".

Page 184, line 14, strike: "Not set out." and insert:

Amendment drawn to Chapter 1289.

"Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$600,000 the first year and \$600,000 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

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C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

F. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382,

Amendments to SB 5015 (as Introduced)

based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

G. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

H. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

I. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

J. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.

K. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

L. Included in the appropriation for this Item is \$370,125 the first year and \$426,832 the second year from the general fund and four positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in

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local correctional facilities.

M.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the appropriation for this item are \$37,400 the first year and \$37,400 the second year from the general fund, and \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.

N. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.

O. The Department of Corrections is authorized to purchase from the Town of Craigsville approximately 122 acres, more or less, located adjacent to the Augusta Correctional Center. In consideration for this acreage, the Department will provide wastewater treatment services to the Town at no cost for a period adequate to equal the value of the property conveyed. The value of the property shall be established by averaging the value of one appraisal provided by the Department of Corrections and one by the Town of Craigsville.

P. The Commonwealth of Virginia shall convey 65 acres of property consisting of Clarke County Tax Map No. 27, new parcel A, situated in the Greenway Magisterial District of Clarke County, Virginia, to the Virginia Port Authority (VPA), on behalf of the Virginia Inland Port (VIP). The VPA, on behalf of the VIP, shall collaborate with representatives of Clarke County to promote the use of the land for economic development purposes. The VIP shall enter into a

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memorandum-of-understanding with Clarke County on the development and execution of mutually advantageous economic development proposals.

Q. Included within the appropriation for this item is \$10,807,975 the first year and \$16,217,315 the second year from the general fund and \$7,592,004 the first year and \$1,000,000 the second year from the Contract Prisoners Special Revenue Fund for implementation of an electronic health records system in all facilities.

R. The Department of Corrections shall evaluate and determine the costs for assuming state management of Lawrenceville Correctional Center at the end of the current contract and report on its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 15, 2020. The report shall include an implementation timeline for transitioning from private management to state agency management and propose a structure and cost estimate for the delivery of healthcare services to offenders housed in the facility.

S. Out of this appropriation, \$370,125 the first year and \$426,832 the second year from the general fund is provided for four full-time jail death investigators for the Board of Corrections.

T. Out of this appropriation, \$500,000 the first year from the general fund is provided to contract with third parties for an evaluation of the Department of Corrections' medical services delivery model that may include best practices in correctional healthcare, quality management, and other innovative strategies in creating a more efficient system of providing cost effective and quality healthcare. The department shall provide an update with any findings or recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.

U. The Department of Corrections shall evaluate options to increase programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation, for persons in restrictive housing and report its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by January 1, 2021.

V. Included in the appropriation for this Item is \$950,000 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from

Amendments to SB 5015 (as Introduced)

the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. House Bill 2 and Senate Bill 70 -- \$50,000
2. House Bill 4 and Senate Bill 36 -- \$50,000
3. House Bill 123 and Senate Bill 838 -- \$50,000
4. House Bill 253 -- \$50,000
5. House Bill 298 and Senate Bill 724 -- \$50,000
6. House Bill 557 -- \$50,000
7. House Bill 618 -- \$50,000
8. House Bill 623 -- \$50,000
9. House Bill 666 -- \$50,000
10. House Bill 674 and Senate Bill 240 -- \$50,000
11. House Bill 1004 and Senate Bill 479 -- \$50,000

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12. House Bill 1211 -- \$50,000

13. House Bill 1414 and Senate Bill 890 -- \$50,000

14. House Bill 1524 -- \$50,000

15. House Bill 1553 -- \$50,000

16. Senate Bill 14 -- \$50,000

17. Senate Bill 42 -- \$50,000

18. Senate Bill 64 -- \$50,000

19. Senate Bill 439 -- \$50,000

W.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

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2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

3. The Director shall develop procedures for implementing the provisions of this section which shall include provisions addressing reentry planning in accordance with § 53.1-32.2 of the Code of Virginia. To the extent practicable, the Director shall comply with all provisions of the Virginia Code relating to providing notice of a prisoner's discharge; however, any failure to comply with such notice provisions shall not affect the Director's authority to discharge a prisoner pursuant to this section.

4. The provisions of this section shall expire on July 1, 2021.

X. Included in the appropriation for this item is \$1,152,377 in the first year and \$411,084 in the second year and six positions from the general fund for the Department to implement the time computation provisions of SB 5034 of the 2020 Special Session I."

Explanation:

(This amendment provides a total of \$1.2 million GF in the first year and \$0.4 million GF in the second year for the Department to update its CORIS system to prepare to implement the earned sentence provisions of SB 5034. \$1.0 million of the funding in the first year is intended to for one-time information technology upgrades necessary to program new sentence earning calculations in CORIS. The additional funding is for the Department to hire 6.0 FTEs to manage the vendor-change process, test the program changes, and calculate earned sentence time and release dates. Item 402 will be set out in enrolling of the bill.)

	Item 402 #2s	
Public Safety and Homeland Security	FY20-21	FY21-22
Department of Corrections	\$20,767	\$41,534 GF

Language:

Page 184, line 14, strike "\$180,872,172" and insert "\$180,892,939".
Page 184, line 14, strike "\$185,414,528" and insert "\$185,456,062".

Explanation:

Amendments to SB 5015 (as Introduced)

(This amendment provides funding for the Board of Corrections to hire a part-time jail investigator in support of SB 5017, which will identify more institutions as local correctional facilities requiring Board oversight. Item 402 will be set out in enrolling of the bill.)

	Item 402 #3s	
Public Safety and Homeland Security	FY20-21	FY21-22
Department of Corrections	\$50,000	\$0 GF

Language:

Page 184, line 14, strike "\$180,872,172" and insert "\$180,922,172".

Page 184, line 14, strike: "Not set out." and insert:

Amendment drawn to Chapter 1289.

"Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$600,000 the first year and \$600,000 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

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C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

F. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382,

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based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

G. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

H. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

I. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

J. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.

K. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

L. Included in the appropriation for this Item is \$370,125 the first year and \$426,832 the second year from the general fund and four positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in

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local correctional facilities.

M.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the appropriation for this item are \$37,400 the first year and \$37,400 the second year from the general fund, and \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.

N. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.

O. The Department of Corrections is authorized to purchase from the Town of Craigsville approximately 122 acres, more or less, located adjacent to the Augusta Correctional Center. In consideration for this acreage, the Department will provide wastewater treatment services to the Town at no cost for a period adequate to equal the value of the property conveyed. The value of the property shall be established by averaging the value of one appraisal provided by the Department of Corrections and one by the Town of Craigsville.

P. The Commonwealth of Virginia shall convey 65 acres of property consisting of Clarke County Tax Map No. 27, new parcel A, situated in the Greenway Magisterial District of Clarke County, Virginia, to the Virginia Port Authority (VPA), on behalf of the Virginia Inland Port (VIP). The VPA, on behalf of the VIP, shall collaborate with representatives of Clarke County to promote the use of the land for economic development purposes. The VIP shall enter into a

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memorandum-of-understanding with Clarke County on the development and execution of mutually advantageous economic development proposals.

Q. Included within the appropriation for this item is \$10,807,975 the first year and \$16,217,315 the second year from the general fund and \$7,592,004 the first year and \$1,000,000 the second year from the Contract Prisoners Special Revenue Fund for implementation of an electronic health records system in all facilities.

R. The Department of Corrections shall evaluate and determine the costs for assuming state management of Lawrenceville Correctional Center at the end of the current contract and report on its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 15, 2020. The report shall include an implementation timeline for transitioning from private management to state agency management and propose a structure and cost estimate for the delivery of healthcare services to offenders housed in the facility.

S. Out of this appropriation, \$370,125 the first year and \$426,832 the second year from the general fund is provided for four full-time jail death investigators for the Board of Corrections.

T. Out of this appropriation, \$500,000 the first year from the general fund is provided to contract with third parties for an evaluation of the Department of Corrections' medical services delivery model that may include best practices in correctional healthcare, quality management, and other innovative strategies in creating a more efficient system of providing cost effective and quality healthcare. The department shall provide an update with any findings or recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.

U. The Department of Corrections shall evaluate options to increase programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation, for persons in restrictive housing and report its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by January 1, 2021.

V. Included in the appropriation for this Item is ~~\$950,000~~ \$1,000,000 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities

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resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. House Bill 2 and Senate Bill 70 -- \$50,000
2. House Bill 4 and Senate Bill 36 -- \$50,000
3. House Bill 123 and Senate Bill 838 -- \$50,000
4. House Bill 253 -- \$50,000
5. House Bill 298 and Senate Bill 724 -- \$50,000
6. House Bill 557 -- \$50,000
7. House Bill 618 -- \$50,000
8. House Bill 623 -- \$50,000
9. House Bill 666 -- \$50,000
10. House Bill 674 and Senate Bill 240 -- \$50,000
11. House Bill 1004 and Senate Bill 479 -- \$50,000

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12. House Bill 1211 -- \$50,000

13. House Bill 1414 and Senate Bill 890 -- \$50,000

14. House Bill 1524 -- \$50,000

15. House Bill 1553 -- \$50,000

16. Senate Bill 14 -- \$50,000

17. Senate Bill 42 -- \$50,000

18. Senate Bill 64 -- \$50,000

19. Senate Bill 439 -- \$50,000

20. *Senate Bill 5030 -- \$50,000*

W.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional

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facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

3. The Director shall develop procedures for implementing the provisions of this section which shall include provisions addressing reentry planning in accordance with § 53.1-32.2 of the Code of Virginia. To the extent practicable, the Director shall comply with all provisions of the Virginia Code relating to providing notice of a prisoner's discharge; however, any failure to comply with such notice provisions shall not affect the Director's authority to discharge a prisoner pursuant to this section.

4. The provisions of this section shall expire on July 1, 2021."

Explanation:

(This amendment provides \$50,000 from the general fund in the first year to the Corrections Special Reserve Fund to reflect the estimated impact on utilization of beds in the Commonwealth's adult correctional centers resulting from changes in criminal sentencing pursuant to SB 5030.)

	Item 403 #1s	
Public Safety and Homeland Security	FY20-21	FY21-22
Department of Criminal Justice	(\$195,795)	\$254,191 GF
Services	2.00	2.00 FTE

Language:

Page 185, line 18, strike "\$6,601,573" and insert "\$6,405,778".

Page 185, line 18, strike "\$5,563,018" and insert "\$5,817,209".

Page 186, line 14 strike "\$208,079" and insert "\$124,848".

Page 186, line 18, strike "94,825" and insert "56,895".

Page 186, line 26, strike "\$1,504,321" and insert "\$1,363,561".

Page 186, line 27, strike "five" and insert "six".

Page 186, line 29, after "academies." insert: "The funding in the first year under this paragraph

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includes \$1.0 million for the Department to contract with a third party to develop curriculum and training standards required by the provisions of SB 5030 of the 2020 Special Session I." Page 186, after line 29 insert:

"K. Included within the appropriation for this Item is \$66,127 in the first year and \$132, 254 in the second year from the general fund and one position to support a data analyst to support the requirements of the Community Policing Act and SB 5030 of the 2020 Special Session I."

Explanation:

(This amendment provides funding for two positions related to the requirements of the Policing Reform bill (SB 5030) that were not included in the introduced budget. The amendment maintains funding for the 8.0 FTE included in the introduced budget, but adjusts the first year funding to be provided for six months from 10 months, as was proposed in the introduced budget. The two additional positions added are (i) one FTE for annual evaluations of certified training academies, for a total of 6.0 FTEs related to the annual evaluations when added to the positions included in the introduced budget; and (ii) one FTE to provide data analysis related to the Department's responsibilities under the Community Policing Act and SB 5030.)

Item 403 #2s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Criminal Justice Services	(\$200,000)	\$0	GF

Language:

Page 185, line 18, strike "\$6,601,573" and insert "\$6,401,573".
Page 186, strike lines 11 through 13.

Explanation:

(This amendment removes funding that was proposed in the introduced budget associated with civilian review panels. According to the fiscal impact statement for SB 5035, there is no fiscal impact for the Department of Criminal Justice Services associated with authorizing civilian review panels.)

Item 404 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Criminal Justice Services	\$61,203 1.00	\$122,405 1.00	GF FTE

Language:

Page 186, line 30, strike "\$868,563" and insert "\$929,766".

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Page 186, line 30, strike "\$868,563" and insert "\$990,968".

Page 186, line 30, strike "Not set out." and insert:

Amendment drawn to Chapter 1289.

"Authority: Title 9.1, Chapter 1; Title 19.2, Chapter 23.1, Code of Virginia.

A. Included in the amounts appropriated for this item is \$400,000 the first year and \$400,000 the second year from the general fund for the ongoing costs of conducting the School Climate Survey.

B. Included in the appropriation for this item is \$145,000 the first year and \$145,000 the second year from the general fund for the sex trafficking response coordination activities of the Department, pursuant to the provisions of House Bill 2576 and Senate Bill 1669 of the 2019 Session of the General Assembly.

C. Out of this appropriation, \$149,174 the first year and \$149,174 the second year from the general fund is provided to establish the Virginia sexual assault forensic examiner coordination program, pursuant to House Bill 475 and Senate Bill 373 of the 2020 Session of the General Assembly.

D. Included in the appropriation for this item is \$61,203 the first year and \$122,405 the second year and one position from the general fund for the Department to hire a program manager for the Mental Health Awareness Response and Community Understanding Services Alert System, established pursuant to SB 5038 of the 2020 Special Session I."

Explanation:

(This amendment provides funding and a position for the Department to hire a program manager for the Mental Health Awareness Response and Community Understanding Services Alert System, established pursuant to SB 5038.)

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Item 406 #1s

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Criminal Justice
Services

\$6,459,095
1.00

\$113,790 GF
1.00 FTE

Language:

Page 186, line 32, strike "\$147,575,754" and insert "\$154,034,849".

Page 186, line 32, strike "\$148,474,168" and insert "\$148,587,958".

Page 186, line 32, strike "Not set out." and insert:

Amendment drawn to Chapter 1289.

"Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$4,800,000 the first year and an estimated \$4,800,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, ten percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$452,128 the first year and \$452,128 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees and the Director, Department of Planning and Budget by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:

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1.a. Regional training academies for criminal justice training, \$1,001,074 the first year and \$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.

b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2020, through June 30, 2022.

c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services may approve a new regional criminal justice academy serving the Counties of Clarke, Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal, Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and, the Frederick County Emergency Communications Center, to be established and operated consistent with a written agreement, provided to the Board, between the local governing bodies, chief executive officers, and chief law enforcement officers of the aforementioned localities, and the Rappahannock Regional Criminal Justice Academy. The new academy shall be eligible to receive state funding in a manner consistent with the currently existing regional criminal justice training academies. However, no current existing regional criminal justice training academy other than the Rappahannock Regional Criminal Justice Academy will receive less funding as a result of the creation of the new regional academy.

2. Virginia Crime Victim-Witness Fund, \$5,692,738 the first year and \$5,692,738 the second year from dedicated special revenue, and \$943,700 the first year and \$943,700 the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.

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3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and \$1,615,000 the second year from the general fund.

b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.

4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.

5. Pre and Post-Incarceration Services (PAPIS), \$3,286,144 the first year and \$3,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.

6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.

7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.

8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from the general fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job.

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9. For model addiction recovery programs administered in local or regional jails, \$153,600 the first year and \$153,600 the second year from the general fund. The Department of Criminal Justice Services, consistent with the provisions of Chapter 758, 2017 Acts of Assembly, shall award grants not to exceed \$38,400 to four pilot programs selected in consultation with the Department of Behavioral Health and Developmental Services.

C.1. Out of this appropriation, \$27,690,378 the first year and \$27,690,378 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§§ 9.1-173 through 9.1-183 Code of Virginia) and the Pretrial Services Act (§§ 19.2-152.2 through 19.2-152.7, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.

2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.

D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

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E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.

F.1. Out of this appropriation, \$4,700,000 the first year and \$4,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.

2.a. The Director, Department of Criminal Justice Services, is authorized to expend \$410,877 the first year and \$410,877 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.

b. The Center for School Safety shall provide a grant of \$100,000 in the first year and \$100,000 in the second year to the York County-Poquoson Sheriff's Office for the statewide administration of the Drug Abuse Resistance Education (DARE) program.

3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.

4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the implementation of a model critical incident response training program

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for public school personnel and others providing services to public schools, and the maintenance of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.

5. Included in the amounts appropriated for this item is \$132,254 the first year and \$132,254 the second year from the general fund for the purposes of collection and analysis of data related to school resource officers, pursuant to House Bill 271 of the 2020 Session of the General Assembly.

G. Included in the amounts appropriated in this Item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) and domestic violence programs to provide core and comprehensive services to victims of sexual and domestic violence, including ensuring such services are available and accessible to victims of sexual assault and dating violence committed against college students on- and off-campus.

H.1. Out of the amounts appropriated for this Item, \$2,658,420 the first year and \$2,658,420 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$1,450,000 the first year and \$1,450,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$1,208,420 the first year and \$1,208,420 the second year.

2. 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 Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.

3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of Virginia.

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I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.

J.1. Included in the appropriation for this item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund to continue the pilot programs authorized in Item 398, Chapter 836, 2017 Acts of Assembly. The number of pilot sites shall not be expanded beyond those participating in the pilot program the first year.

2. The funding provided to each pilot site shall supplement, not supplant, existing local spending on these services. Distribution of grant amounts shall be made quarterly pursuant to the conditions of paragraph J.3. of this item.

3. The Department shall collect on a quarterly basis qualitative and quantitative data of pilot site performance, to include: (i) mental health screenings and assessments provided to inmates, (ii) mental health treatment plans and services provided to inmates, (iii) jail safety incidents involving inmates and jail staff, (iv) the provision of appropriate services after release, (v) the number of inmates re-arrested or re-incarcerated within 90 days after release following a positive identification for mental health disorders in jail or the receipt of mental health treatment within the facility. The Department shall provide a report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15th each year.

4. The department is authorized to expend up to \$125,000 per year out of the amounts allocated in Paragraph J.1. of this item for costs related to the administration of the jail mental health pilot program.

K. Included in the appropriations for this Item is \$300,000 the first year and \$300,000 the second year from the general fund for the Department of Criminal Justice Services to make competitive grants to nonprofit organizations to support services for law enforcement, including post critical incident seminars and peer-supported critical incident stress management programs to promote officer safety and wellness, under guidelines to be established by the Department. The Department shall evaluate the effectiveness of the program and report on its findings to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning

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and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2022.

L. Included in the appropriation for this item is \$916,066 in the first year and \$916,066 in the second year from the general fund for the Virginia Beach Correctional Center for the Jail and Re-entry Service Coordination Pathway, which is a joint operation between the Virginia Beach Department of Human Services and the Virginia Beach Sheriff's Office. The program consists of diversion, screening, assessment, treatment, and re-entry services for all incarcerated individuals with an active mental illness or substance use disorder diagnosis.

M. Included in this appropriation for this item, \$2,645,244 the first year and \$193,658 the second year from the general fund and two positions for the Department of Criminal Justice Services to make competitive grants to five localities to support evidence-based gun violence intervention and prevention initiatives. The Department shall evaluate the implementation and effectiveness of the programs in each locality that received the award, and provide a report that details the amount awarded, its findings and recommendations to the Governor, Secretary of Public Safety and Homeland Security, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and the Senate Finance Committees by November 1, 2021. The funding provided to each locality shall supplement, not supplant, existing local spending on these services.

N. Out of the appropriation in this item, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is allocated for the Department of Criminal Justices Services to make competitive grants to localities to combat hate crimes, including but not limited to target hardening activities, contractual security services, critical technology infrastructure, cybersecurity resilience activates, monitoring, inspection and screening systems; security-related training for employed or volunteer security staff; and terrorism awareness training for employees. The funds appropriated in this item shall be distributed to localities that have established a partnership program with institutions or nonprofit organizations that have been targets of or are at risk of being targeted for hate crimes. The Department shall establish grant guidelines to implement these provisions and shall provide a biennial or annual request for funding from localities, based on the guidelines. For each grant requested, the application shall document the need for the grant, goals, and budget expenditure of these funds and any other sources that may be committed by localities, institutions or nonprofit organizations. Funding provided in this item shall not be used to supplant the funding provided by localities to combat hate crimes.

Amendments to SB 5015 (as Introduced)

O.1. The Department of Criminal Justice Services shall review the feasibility and costs to the Commonwealth and localities for the implementation of a pilot program, operated in partnership with one or more participating localities identified by the department, to assess the operation of a uniform reporting mechanism for appropriate criminal justice agencies, as identified in § 9.1-101, Code of Virginia, to collect data relating to bail determinations made by judicial officers conducting hearings pursuant to § 19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia, in order to facilitate the purpose of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia.

2. As part of its review, the department shall identify the methods, feasibility and costs associated with collecting, at minimum, the following information from localities participating in the pilot program: (i) the hearing date of any hearing conducted pursuant to § 19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia and the date any individual is admitted to bail; (ii) information about the individual, including the individual's year of birth, race, ethnicity, gender, primary language, and residential zip code; (iii) the determination of the individual's indigency pursuant to § 19.2-159 of the Code of Virginia; (iv) information related to the individual's charges, including the number of charges; the most serious offense the individual is charged with; the code section for such offense; the general description of such offense; whether such offense is a felony, misdemeanor, civil infraction, or other type of offense; and the specific classification of any felony or misdemeanor offense; (v) if the individual is admitted to bail, information related to the conditions of bail and the bond, including whether the bond was secured or unsecured; all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; any initial nonmonetary conditions of release imposed; any subsequent modifications; and whether the individual utilized the services of a bail bondsman; (vi) if the individual is not admitted to bail, the reason for the denial; (vii) any outstanding arrest warrants or other bars to release from any other jurisdiction; (viii) any revocation of bail due to a violation of such individual's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such individual; (ix) the date the individual is sentenced to an active term of incarceration and the date such individual begins serving such active term; (x) all dates the individual is released or discharged from custody, including release upon satisfaction of the terms of any recognizance, release upon the disposition of any charges, or release upon completion of any active sentence; (xi) the reason for any release or discharge from custody, including whether the individual posted a bond, was released on a recognizance, or was released under terms of supervision, or whether there was a disposition of the charges that resulted in release of the individual. If the reason for release is due to a court order or a disposition of the charges resulting in release, the data collected shall include the specific reason for release, including the nature of the court order or, if there was a conviction, the particular sentence imposed. The data shall also include a list of definitions of any terms used by the locality to indicate reasons for release or discharge; and (xii) the average cost for housing the individual in the local correctional facility, as defined in § 53.1-1, Code of Virginia, for one night. Collected data shall be disaggregated by individual, and for each individual case, an anonymous unique

Amendments to SB 5015 (as Introduced)

identifier shall be provided.

3. The department shall provide its findings and recommendations to the Chairs of the House Appropriations, House Courts of Justice, Senate Finance and Appropriations, and Senate Judiciary Committees no later than October 15, 2020.

P. Out of this appropriation, \$500,000 the first year from the general fund is provided for the Department of Criminal Justice Services to award grants to localities for training related to enforcement of the removal of firearms based on substantial risk protective orders.

Q. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided for the Department of Criminal Justice Services to contract with Ayuda to provide immigrants legal, social, and language services for low-income victims of crime, including victims of domestic violence, sexual assault, human trafficking and child abuse, abandonment, and neglect. The services provided shall include case management, emergency client assistance, and mental health services in the preferred language of clients.

R. Out of this appropriation, \$150,000 the first year from the general fund is provided for community assessments for youth and gang violence prevention initiatives in Hampton, Newport News, Norfolk, Richmond, Roanoke, and Petersburg.

S.1. Included within the appropriation for this item is \$6,402,200 in the first year from the general fund to be deposited to the Body Worn Camera Fund established pursuant to SB 5052 of the 2020 Special Session I. The Department shall make grants to law enforcement agencies located in the Commonwealth employing law enforcement officers with primary law enforcement duties, including but not limited to state agencies, local agencies, and colleges and universities, for the purpose of purchasing, operating, and maintaining body-worn camera systems. Qualified uses for grant funds shall include one-time costs associated with such body-worn camera systems, to include equipment, data storage, and technology costs, and other one-time costs associated with the purchase, operation, and maintenance of body-worn camera systems, as determined to be eligible by the Department.

2. The funding in this paragraph also includes \$56,895 in the first year and \$113,790 in the

Amendments to SB 5015 (as Introduced)

second year from the general fund for a coordinator position to manage the Body Worn Camera Grant program.

3. Any distributions made to a local law enforcement agency under this paragraph shall require a 50 percent match from local fund sources.

4. The Department shall report on the distributions made from the Fund to the Chairs of the House Appropriations and the Senate Finance and Appropriations Committees by September 30, 2021. The report shall include information on distributions made by agency, description and amount of equipment purchased per agency, and any balances remaining in the Fund."

Explanation:

(This amendment provides one-time funding of \$6.4 million from the general fund for the Department to make grants to law enforcement agencies to support one-time costs for the purchase, operation, or maintenance of body worn camera systems. The funding is intended to be available to any law enforcement agency in the Commonwealth. An agency may apply for funding for accessory equipment if it has already purchased body-worn camera equipment. The amendment also provides \$56,895 GF in the first year and \$113,790 GF in the second year for a program coordinator position to manage the Body Worn Camera grants.)

		Item 425 #1s	
Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$1,151,497	GF
	0.00	26.00	FTE

Language:

Page 189, line 33, strike "\$68,861,090" and insert "\$70,012,587".

Page 189, line 33, strike "Not set out." and insert:

Amendment drawn to Chapter 1289.

"Authority: §§ 18.2-308.2:2, 19.2-387, 19.2-388, 27-55, 52-4, 52-4.4, 52-8.5, 52-12, 52-13, 52-15, 52-16, 52-25 and 52-31 through 52-34, Code of Virginia.

Amendments to SB 5015 (as Introduced)

A.1. It is the intent of the General Assembly that wireless 911 calls be delivered directly by the Commercial Mobile Radio Service (CMRS) provider to the local Public Safety Answering Point (PSAP), in order that such calls be answered by the local jurisdiction within which the call originates, thereby minimizing the need for call transfers whenever possible.

2. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$3,700,000 the first year and \$3,700,000 the second year from the Wireless E-911 Fund is included in this appropriation for telecommunications to offset dispatch center operations and related costs incurred for answering wireless 911 telephone calls.

B. Out of the Motor Carrier Special Fund, \$900,000 the first year and \$900,000 the second year shall be disbursed on a quarterly basis to the Department of State Police.

C.1. This appropriation includes \$9,175,535 the first year and \$9,175,535 the second year from the general fund for maintaining the Statewide Agencies Radio System (STARS).

2. The Secretary of Public Safety and Homeland Security, in conjunction with the STARS Management Group and the Superintendent of State Police, shall provide a status report on (1) annual operating costs; (2) the status of site enhancements to support the system; (3) the project timelines for implementing the enhancements to the system; and (4) other matters as the secretary may deem appropriate. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Any bond proceeds authorized for the STARS project that remain after the full implementation of the STARS network shall be made available for the STARS equipment needs of the Department of Military Affairs.

4. Any general fund appropriation given for STARS operating and maintenance under the service area 30204, is designated for such purposes. If the Department of State Police cannot expend its STARS appropriation within a given fiscal year, there shall remain an appropriation balance at the end of the fiscal year. The Department may request a discretionary re-appropriation in the subsequent year as provided in § 4-1.05 of this act if necessary for the

Amendments to SB 5015 (as Introduced)

payment of preexisting obligations for the purchase of goods or services.

D. The department shall deposit to the general fund an amount estimated at \$100,000 the first year and \$100,000 the second year resulting from fees generated by additional criminal background checks of local job applicants and prospective licensees collected pursuant to § 15.2-1503.1 of the Code of Virginia.

E. 1. Notwithstanding the provisions of §§ 19.2-386.14, 38.2-415, 46.2-1167 and 52-4.3, Code of Virginia, the Department of State Police may use revenue from the State Asset Forfeiture Fund, the Insurance Fraud Fund, the Drug Investigation Trust Account – State, and the Safety Fund to modify, enhance or procure automated systems that focus on the Commonwealth's law enforcement activities and information gathering processes.

F. The Superintendent of State Police is authorized to and shall establish a policy and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the registry. The State Superintendent of State Police shall charge no fee for the transfer of any information from the Virginia Sex Offender Registry to the Statewide Automated Victim Notification (SAVIN) system.

G.1. The Virginia State Police shall, upon request, provide to the Department of Behavioral Health and Developmental Services any information it possesses as a result of carrying out the provisions of §§ 19.2-389, 37.2-819 and 64.2-2014, Code of Virginia, to enable the Department to make anonymous the data held pursuant to those provisions and link it with other relevant data held by the Commonwealth for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a grant from the National Science Foundation to Duke University and a subcontract with the University of Virginia.

2. The Department of State Police shall, upon request, provide to the Department of Juvenile Justice any information it possesses as a result of carrying out the provisions of §§ 16.1-337.1, 19.2-389, 19.2-389.1, 37.2-819 and 64.2-2014, Code of Virginia, to enable the Department to link the data held pursuant to those provisions with other relevant data held by the Commonwealth, and then to de-identify it, for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a research grant to Duke University and a subcontract with the University of Virginia.

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H. Included in the amounts provided for this Item is \$99,479 the first year and \$99,479 the second year from the general fund for the public safety information exchange program with those states that share a border with Canada or Mexico and are willing to participate in the exchange program pursuant to § 2.2-224.1, Code of Virginia.

I. Included in this appropriation is \$620,371 the first year and \$620,371 the second year from the general fund for the annual debt service for the Department to purchase fixed repeaters for the Statewide Agencies Radio System (STARS) through the Department of Treasury's Master Equipment Leasing Program.

J. Included within this appropriation is \$350,200 the first year and \$350,200 the second year from the general fund to support maintenance costs of the state's Commonwealth Link to Interoperable Communications (COMLINC) system.

K. Included within this appropriation is \$300,000 the first year and \$300,000 the second year and four positions to support the COMLINC system.

L. Included in the amounts provided for in this Item is \$675,000 the first year for training and project management costs to upgrade the STARS system. Of this amount, \$500,000 shall not be allotted until the project management costs are determined to be ineligible costs for a bond-funded capital project.

M. Included within the amounts for this item is \$211,947 the first year and \$211,947 the second year and three positions from the general fund for the Department to address the recommendation of the Crime Commission to provide a reference to the "Hold File" for criminal history records checks.

N. Included within the appropriation for this item is \$110,000 the first year from the general fund for the establishment of a cold case searchable electronic database, consistent with the provisions of House Bill 1024 of the 2020 Session of the General Assembly.

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O. Included in the amounts appropriated in this item is \$4,480,829 the first year and \$1,479,302 the second year from the general fund to comply with and implement the provisions of the Community Policing Act pursuant to House Bill 1250 of the 2020 Session of the General Assembly.

P. Included within the appropriation for this item is \$1,151,497 and 26 positions in the second year from the general fund for the Department to support the processing of additional expungements that may be ordered pursuant to SB 5043 of the 2020 Special Session I. The funding identified in the second year includes \$46,078 from the general fund for the Department to rent office space for the employees. These amounts and positions in this paragraph are in addition to existing funding under this item which supports 10 additional positions in the expungement division."

Explanation:

(This amendment provides funding in the second year for 22 program support technicians, 3 office supervisors, one program support manager, as well as one-time furniture costs, and ongoing funding for information technology and new office space, that were identified as needs related to SB 5043. Based on the delayed enactment of SB 5043, the second year costs are prorated for six months of funding.)

	Item 427 #1s		
Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$165,917	\$278,976	GF
	3.00	3.00	FTE

Language:

Page 189, line 36, strike "\$32,570,900" and insert "\$32,736,817".

Page 189, line 35, strike "\$32,070,900" and insert "\$32,349,876".

Page 190, after line 33, insert:

"D. Included within the appropriation for this Item is \$165,917 in the first year and \$278,976 in the second year and three positions from the general fund for the Department to uphold the requirements of SB 5030 to share information with an attorney for the Commonwealth. Of these amounts, \$100,960 in the first year and \$65,207 in the second year for operational support for the positions, including information technology expenses, furniture, and shipping expenses."

Explanation:

Amendments to SB 5015 (as Introduced)

(This amendment provides \$0.2 million GF in the first year and \$0.3 million GF in the second year and 3 FTEs for the Department to hire two office services assistants and one agency management analyst, as well as funding for information technology support for the positions, \$60,000 per year for postage and secure shipping supplies, and \$17,105 in one-time office furniture costs in the first year, to uphold the requirements of SB 5030.)

Item 429 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Virginia Parole Board	\$33,993 1.00	\$67,986 1.00	GF FTE

Language:

Page 191, line 10, strike "\$2,330,525" and insert "\$2,364,518".
Page 191, line 10, strike "\$2,330,525" and insert "\$2,398,511".

Explanation:

(This amendment provides the Board with funding for one full-time position to support the requirements of SB 5012 and SB 5050. Item 429 will be set out upon the enrolling of the bill.)

Item 429 #2s

Public Safety and Homeland Security	FY20-21	FY21-22	
Virginia Parole Board	\$19,512	\$39,023	GF

Language:

Page 191, line 10, strike "\$2,330,525" and insert "\$2,350,037".
Page 191, line 10, strike "\$2,330,525" and insert "\$2,369,548".

Explanation:

(This amendment funds a part-time position to support the Board in carrying out the identical provisions of SB 5034 and SB 5018, which provide eligibility for compassionate release for terminally ill state inmates, based on review by the Board. Item 429 will be set out upon enrolling of the bill.)

Item 436 #1s

Transportation

Department of Motor Vehicles

Language

Language:

Page 198, after line 44, insert:

“Q. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit (1) Class B driver training schools and (2) computer-based driver education providers, as defined in § 46.2-1700, to administer the end-of-course driver's education test online subject to the requirements prescribed by the Commissioner. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit Class B driver training schools with a valid Virginia license to administer their in-class curriculum on an online platform subject to the requirements prescribed by the Commissioner. Notwithstanding the provisions of § 22.1-205, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit the parent/student driver education component of the driver's education course to be administered online subject to the requirements prescribed by the Commissioner.”

Explanation:

(This amendment provides the DMV Commissioner flexibility to allow driver training schools providing training and skills testing for regular driver’s license applicants to administer certain portions of the driver education curriculum on an online platform subject to requirements prescribed by the Commissioner during a declared state of emergency.)

Item 436 #2s

Transportation

Department of Motor Vehicles

Language

Language:

Page 198, following line 44, insert:

"Q. Notwithstanding the provisions of subsection E of § 18.2-271.1 of the Code of Virginia, if a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, a court may, in its discretion and for good cause shown, issue a restricted permit to operate a motor vehicle for any purpose set forth in subsection E of § 18.2-271.1. No restricted license issued pursuant to this paragraph shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this paragraph, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted

Amendments to SB 5015 (as Introduced)

who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times by such person while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this paragraph is guilty of a violation of § 46.2-301."

Explanation:

(This amendment provides courts with the authority to grant restricted driving privileges for individuals suspended for drug violations under former §§ 18.2-259.1 and 46.2-390.1.)

	Item 477 #1s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$18,432,910	\$0 GF

Language:

Page 204, line 6, strike "\$139,552,150" and insert "\$157,985,060".

Page 204, line 6, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Compensation and Benefits Adjustments (75700)	\$139,552,150 <i>\$157,985,060</i>	\$213,830,664
Adjustments to Employee Compensation (75701)	\$119,985,353 <i>\$138,418,263</i>	\$151,893,587
Adjustments to Employee Benefits (75702)	\$19,566,797	\$61,937,077
Fund Sources: General	\$139,552,150 <i>\$157,985,060</i>	\$213,830,664

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund

Amendments to SB 5015 (as Introduced)

appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not be limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

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

D. Any supplemental salary payment to a state employee or class of state employees by a local

Amendments to SB 5015 (as Introduced)

governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

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

1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.
3. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department

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of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

G.1. Out of the appropriation for this Item, an amount estimated at \$41,227,641 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

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

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

4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.

5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.

6. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.

7. The Department of Human Resource Management shall include language in all contracts, signed on or after July 1, 2018, with third party administrators of the state employee health plan requiring the third party administrators to: 1) maintain policies and procedures for transparency

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in their pharmacy benefit administration programs; 2) transparently provide information to state employees through an explanation of benefits regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the amount paid to the dispensing pharmacy for the claim; the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager; and the amount charged by the third party administrator to the Commonwealth; and 3) provide a report to the Department of Human Resource Management of the aggregate difference in amounts between reimbursements made to pharmacies for claims covered by the state employee insurance plan, the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager, and the amount charged by the third party administrator to the Commonwealth as well as an explanation for any difference.

8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective October 1, 2018, the Department of Human Resource Management shall provide coverage under the state employee health insurance program for the treatment of autism spectrum disorder through the age of eighteen.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2021	FY 2022
Public school teachers	16.62%	16.62%
State employees	14.46%	14.46%
State Police Officers' Retirement System	26.33%	26.33%
Virginia Law Officers' Retirement System	21.90%	21.90%
Judicial Retirement System	29.84%	29.84%

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3. Payments of all required contributions and insurance premiums to the Virginia Retirement System and its third-party administrators, as applicable, shall be made no later than the tenth day following the close of each month of the fiscal year.

4. Out of the appropriation for this Item, amounts estimated at \$15,893,697 the first year and \$16,578,460 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

- I. Rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

- J. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments for the public school teacher plan deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the public school teacher plan for 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 the approved state portion of such board-approved, supplemental employer contribution rates for the public school teacher plan in the budget submitted to the General Assembly.

- K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an

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investment return of seven percent and an amortization period of 30 years, except beginning in fiscal year 2021 the state employee retiree health credit amortization period shall be reduced by 5 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:

	FY 2021	FY 2022
State employee retiree health insurance credit	1.25%	1.25%
Public school teacher retiree health insurance credit	1.21%	1.21%
State employee group life insurance program	1.34%	1.34%
Employer share of the public school teacher group life insurance program	0.54%	0.54%
Virginia Sickness and Disability Program	0.61%	0.61%

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

4. Out of the appropriation for this Item, amounts estimated at \$3,980,010 the first year and \$4,153,072 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee benefits as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L.1. The retiree health insurance credit contribution rates for the following groups of state

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supported local public employees shall be: 0.36 percent for constitutional officers and employees of constitutional officers 0.38 percent for employees of local social services boards, and 0.39 percent for General Registrars and employees of General Registrars.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this Item amounts estimated at \$55,805 the first year and \$55,805 the second year to reflect the general fund portion of the net savings resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily separated from employment with the Commonwealth if the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016, that such action results from 1. budget reductions enacted in the Appropriation Act pertaining to the Legislative Department; 2. reorganization or reform actions taken by agencies in the legislative branch of state government to increase efficiency of operations or improve service delivery provided such actions have been approved by the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by agencies in the legislative branch of state government as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue and if the applicable agency certifies that the actions comport with the provisions of and related policies associated with the Workforce Transition Act. Under these conditions, the entire cost of such benefits for involuntarily

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separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

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

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

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

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

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

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four

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weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

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

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

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

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

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

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4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of a defined benefit plan within the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

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

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

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

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.

f. Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an otherwise eligible employee who is a person who becomes a member on or after July 1, 2010, a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.

O.1. a. In order to address the potential for stranded liability in the Virginia Retirement System,

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notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-145, institutions of higher education that have established their own optional retirement plan under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's retirement allowance account in an amount equal to that portion of the state employer contribution rate designated to pay down the total unfunded accrued liability, for any positions existing as of December 31, 2011 that are subsequently converted from non-Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-eligible positions on or after January 1, 2012 and that are filled by an employee who elects to participate in the ORPHE. In meeting this obligation, each institution shall provide to the Virginia Retirement System by April 1 of each year a list of all positions converted from non-ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether current employees in such positions have elected ORPHE participation.

b. Such contributions shall not be required for any new position established by the institution after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan for Higher Education.

2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the universities of higher education shall work to develop a methodology to identify and report separately personnel services expenditures for university personnel in positions that use to be classified positions but have been transitioned to university staff positions.

P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.

2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph P.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.

Q.1. Notwithstanding § 9.1-400, Code of Virginia, or any contrary provision of law, "eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401, Code of Virginia, shall also include the natural or adopted child or children of a "deceased person", as defined in § 9.1-400, Code of Virginia, or "disabled person", as defined in § 9.1-400, Code of Virginia, born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability and prior to July 1, 2017. Eligibility will continue until the end of the year in which

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the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

2. Notwithstanding § 9.1-400.1 D, Code of Virginia, the annual contribution for each participating employer shall be based on a premium of \$717.31 per eligible full-time equivalent employee.

3. The Director, Department of Planning and Budget, shall transfer from this Item general fund amounts estimated at \$202,639 the first year and \$202,639 the second year to state agencies and institutions of higher education to support the general fund portion of costs of Line of Duty Act premiums based on the latest enrollment update from the Virginia Retirement System and the premium authorized in this paragraph.

R. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$457,852 the first year and \$173,038 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings associated with the latest workers' compensation premiums provided by the Department of Human Resource Management.

S. The following agency heads, at their discretion, may utilize agency funds to implement the provisions of new or existing performance-based pay plans:

1. The heads of agencies in the Legislative and Judicial Departments;
2. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
3. The Attorney General;
4. The Director of the Virginia Retirement System;
5. The Executive Director of the Virginia Lottery;
6. The Director of the University of Virginia Medical Center;

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7. The Chief Executive Officer of the Virginia College Savings Plan;

8. The Executive Director of the Virginia Port Authority; and

9. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.

T. Out of the amounts included in this item, amounts estimated at \$1,398,067 the first year and \$4,627,062 the second year from the general fund is available for transfer to state agencies and institutions of higher education to effectuate the provisions of House Bill 395 and Senate Bill 7 which increases the minimum wage beginning January 1, 2021.

U.1. The Governor is hereby authorized to allocate a sum of up to \$118,087,286 the first year and up to \$146,766,525 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2020 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2020, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs V. ,W., X., Y., Z., AA. and BB. below.

2. Furthermore, the \$95,205,619 the first year and \$194,971,850 the second year from the general fund allocated to support the state share of a two percent salary adjustment the first year and an additional two percent salary adjustment the second year for SOQ funded positions authorized in Item 145 of this act shall be unallotted, if the provisions of paragraph U.1. are not met and the actions authorized in paragraphs V., W., X., Y., Z., AA., and BB. of this item are not effectuated.

V.1. Contingent on the provisions of paragraph U.1. above, \$89,883,598 from the general fund the first year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials and employees receiving a salary adjustment pursuant to paragraph Z. below, who were employed on April 1, 2020, and remain employed until at least November 24, 2020, a one-time bonus payment equal to three percent of their base pay on December 1, 2020.

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2. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.

3. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.

W. Contingent on the provisions of paragraph U.1, out of amounts appropriated for Employee Compensation in this item, \$20,725,124 from the general fund the first year is provided for a one-time bonus, equal to two percent of their base salary on December 1, 2020 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

X.1. Contingent on the provisions of paragraph U.1. above, \$109,353,218 from the general fund the second year is provided to increase the base salary of the following employees by three percent on June 10, 2021:

a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;

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- b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;

- c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;

- d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;

- e. Heads of agencies in the Legislative Department;

- f. Full-time employees in the Legislative Department, other than officials elected by popular vote;

- g. Legislative Assistants as provided for in Item 1 of this act;

- h. Judges and Justices in the Judicial Department;

- i. Heads of agencies in the Judicial Department;

- j. Full-time employees in the Judicial Department;

- k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and

- l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.

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2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.

b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.

3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on June 10, 2021. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.

4. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:

a. The heads of agencies in the Legislative and Judicial Departments;

b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;

c. The Attorney General;

d. The Director of the Virginia Retirement System;

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e. The Director of the Virginia Lottery;

f. The Director of the University of Virginia Medical Center;

g. The Chief Executive Officer of the Virginia College Savings Plan; and

h. The Executive Director of the Virginia Port Authority.

5. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than June 10, 2021. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.

6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase on average.

Y.1. Contingent on the provisions of paragraph U.1. above, the appropriations in this item include funds to increase the base salary of the following employees by three percent on July 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and Comprehensive Community Corrections Act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

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2. Out of the appropriation for Supplements to Employee Compensation is included \$28,897,190 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.

Z. Contingent on the provisions of paragraph U.1. above, \$5,187,764 the first year and \$6,225,317 the second year from the general fund, is available for salary adjustments for sworn officers of the Department of State Police as follows:

a. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$110 for each full year of service up to thirty years, effective August 10, 2020.

b. Prior to effectuating the salary adjustment authorized in this paragraph, the base salary of all sworn officers of the State Police shall be increased by two percent, effective August 10, 2020.

c. The Department of Human Resource Management shall adjust the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan as needed to effectuate the pay action in this paragraph.

AA. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the first year from the general fund to provide a three percent bonus on December 1, 2020 year for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.

BB. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective June 10, 2021.

CC. Included in the appropriation for this Item is \$1,031,287 from the general fund in the first year, which shall be made available to provide sworn officers of the Department of State Police, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.

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DD. Included in the appropriation for this Item is \$44,675 from the general fund in the first year, which shall be made available to provide sworn officers of the Division of Capitol Police, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.

EE. Included in the appropriation for this Item is \$3,728,996 from the general fund in the first year, which shall be made available to provide sworn staff of the Department of Corrections and the Department of Juvenile Justice, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.

FF. Included in the appropriation for this Item is \$622,985 from the general fund in the first year, which shall be made available to provide sworn officers of state agencies and higher education institutions, not otherwise included in paragraphs CC., DD., and EE., who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.

GG. Included in the appropriation for this Item is \$5,518,139 from the general fund in the first year, which shall be made available to provide sworn constitutional officers and their staffs, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections officers, a one-time bonus payment of \$500 on December 1, 2020.

HH. Included in the appropriation for this Item is \$7,783,828 in the first year from the general fund, to be transferred to the Department of Criminal Justice Services, which shall distribute such funds to local police departments statewide for the purpose of providing a one-time bonus payment of \$500 to sworn law-enforcement officers of such police departments to be paid on December 1, 2020."

Explanation:

(This amendment provides funding of \$18.4 million GF the first year for a \$500 one-time bonus payment, effective December 1, 2020, for sworn state law-enforcement personnel of the Department of State Police, the Division of Capitol Police, the Department of Corrections, the Department of Juvenile Justice, and all other state agencies and higher education institutions, as well as sworn state-supported local constitutional officers and their staffs, and regional jail superintendants and their staffs, and sworn officers of local police departments.)

Item 477 #2s

Central Appropriations

FY20-21

FY21-22

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Central Appropriations \$0 (\$20,613,821) GF

Language:

Page 204, line 6, strike "\$213,830,664" and insert "\$193,216,843".

Page 204, line 6, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Compensation and Benefits Adjustments (75700)	\$139,552,150	\$213,830,664 \$193,216,843
Adjustments to Employee Compensation (75701)	\$119,985,353	\$151,893,587
Adjustments to Employee Benefits (75702)	\$19,566,797	\$61,937,077 \$41,323,256
Fund Sources: General	\$139,552,150	\$213,830,664 \$193,216,843

Authority: Discretionary Inclusion.

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

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;

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5. Employer costs of employee benefit programs when required by salary-based pay adjustments;

6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and

7. Adjustments to the cost of employee benefits to include but not be limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

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

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

E. The Governor is hereby authorized to transfer funds from agency appropriations to the

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accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

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

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

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

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

G.1. Out of the appropriation for this Item, an amount estimated at ~~\$41,227,641~~ \$20,613,821 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

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

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premiums to be charged to employees.

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

4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.

5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.

6. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.

7. The Department of Human Resource Management shall include language in all contracts, signed on or after July 1, 2018, with third party administrators of the state employee health plan requiring the third party administrators to: 1) maintain policies and procedures for transparency in their pharmacy benefit administration programs; 2) transparently provide information to state employees through an explanation of benefits regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the amount paid to the dispensing pharmacy for the claim; the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager; and the amount charged by the third party administrator to the Commonwealth; and 3) provide a report to the Department of Human Resource Management of the aggregate difference in amounts between reimbursements made to pharmacies for claims covered by the state employee insurance plan, the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager, and the amount charged by the third party administrator to the Commonwealth as well as an explanation for any difference.

8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective

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October 1, 2018, the Department of Human Resource Management shall provide coverage under the state employee health insurance program for the treatment of autism spectrum disorder through the age of eighteen.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2021	FY 2022
Public school teachers	16.62%	16.62%
State employees	14.46%	14.46%
State Police Officers' Retirement System	26.33%	26.33%
Virginia Law Officers' Retirement System	21.90%	21.90%
Judicial Retirement System	29.84%	29.84%

3. Payments of all required contributions and insurance premiums to the Virginia Retirement System and its third-party administrators, as applicable, shall be made no later than the tenth day following the close of each month of the fiscal year.

4. Out of the appropriation for this Item, amounts estimated at \$15,893,697 the first year and \$16,578,460 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for

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retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

I. Rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

J. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments for the public school teacher plan deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the public school teacher plan for 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 the approved state portion of such board-approved, supplemental employer contribution rates for the public school teacher plan in the budget submitted to the General Assembly.

K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years, except beginning in fiscal year 2021 the state employee retiree health credit amortization period shall be reduced by 5 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:

FY 2021

FY 2022

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State employee retiree health insurance credit	1.25%	1.25%
Public school teacher retiree health insurance credit	1.21%	1.21%
State employee group life insurance program	1.34%	1.34%
Employer share of the public school teacher group life insurance program	0.54%	0.54%
Virginia Sickness and Disability Program	0.61%	0.61%

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

4. Out of the appropriation for this Item, amounts estimated at \$3,980,010 the first year and \$4,153,072 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee benefits as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L.1. The retiree health insurance credit contribution rates for the following groups of state supported local public employees shall be: 0.36 percent for constitutional officers and employees of constitutional officers 0.38 percent for employees of local social services boards, and 0.39 percent for General Registrars and employees of General Registrars.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this Item amounts estimated at \$55,805 the first year and \$55,805 the second year to reflect the general fund portion of the net savings resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

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M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily separated from employment with the Commonwealth if the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016, that such action results from 1. budget reductions enacted in the Appropriation Act pertaining to the Legislative Department; 2. reorganization or reform actions taken by agencies in the legislative branch of state government to increase efficiency of operations or improve service delivery provided such actions have been approved by the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by agencies in the legislative branch of state government as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue and if the applicable agency certifies that the actions comport with the provisions of and related policies associated with the Workforce Transition Act. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

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

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other

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causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

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

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

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

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

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

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c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

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

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

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

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of a defined benefit plan within the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual

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compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

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

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

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

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.

f. Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an otherwise eligible employee who is a person who becomes a member on or after July 1, 2010, a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.

O.1. a. In order to address the potential for stranded liability in the Virginia Retirement System, notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-145, institutions of higher education that have established their own optional retirement plan under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's retirement allowance account in an amount equal to that portion of the state employer contribution rate designated to pay down the total unfunded accrued liability, for any positions existing as of December 31, 2011 that are subsequently converted from non-Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-eligible positions on or after January 1, 2012 and that are filled by an employee who elects to participate in the ORPHE. In meeting this obligation, each institution shall provide to the Virginia Retirement System by April 1 of each year a list of all positions converted from non-ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether current employees in such positions have

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elected ORPHE participation.

b. Such contributions shall not be required for any new position established by the institution after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan for Higher Education.

2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the universities of higher education shall work to develop a methodology to identify and report separately personnel services expenditures for university personnel in positions that use to be classified positions but have been transitioned to university staff positions.

P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.

2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph P.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.

Q.1. Notwithstanding § 9.1-400, Code of Virginia, or any contrary provision of law, "eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401, Code of Virginia, shall also include the natural or adopted child or children of a "deceased person", as defined in § 9.1-400, Code of Virginia, or "disabled person", as defined in § 9.1-400, Code of Virginia, born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability and prior to July 1, 2017. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

2. Notwithstanding § 9.1-400.1 D, Code of Virginia, the annual contribution for each participating employer shall be based on a premium of \$717.31 per eligible full-time equivalent employee.

3. The Director, Department of Planning and Budget, shall transfer from this Item general fund

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amounts estimated at \$202,639 the first year and \$202,639 the second year to state agencies and institutions of higher education to support the general fund portion of costs of Line of Duty Act premiums based on the latest enrollment update from the Virginia Retirement System and the premium authorized in this paragraph.

R. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$457,852 the first year and \$173,038 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings associated with the latest workers' compensation premiums provided by the Department of Human Resource Management.

S. The following agency heads, at their discretion, may utilize agency funds to implement the provisions of new or existing performance-based pay plans:

1. The heads of agencies in the Legislative and Judicial Departments;
2. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
3. The Attorney General;
4. The Director of the Virginia Retirement System;
5. The Executive Director of the Virginia Lottery;
6. The Director of the University of Virginia Medical Center;
7. The Chief Executive Officer of the Virginia College Savings Plan;
8. The Executive Director of the Virginia Port Authority; and
9. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.

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T. Out of the amounts included in this item, amounts estimated at \$1,398,067 the first year and \$4,627,062 the second year from the general fund is available for transfer to state agencies and institutions of higher education to effectuate the provisions of House Bill 395 and Senate Bill 7 which increases the minimum wage beginning January 1, 2021.

U.1. The Governor is hereby authorized to allocate a sum of up to \$118,087,286 the first year and up to \$146,766,525 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2020 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2020, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs V. ,W., X., Y., Z., AA. and BB. below.

2. Furthermore, the \$95,205,619 the first year and \$194,971,850 the second year from the general fund allocated to support the state share of a two percent salary adjustment the first year and an additional two percent salary adjustment the second year for SOQ funded positions authorized in Item 145 of this act shall be unallotted, if the provisions of paragraph U.1. are not met and the actions authorized in paragraphs V., W., X., Y., Z., AA., and BB. of this item are not effectuated.

V.1. Contingent on the provisions of paragraph U.1. above, \$89,883,598 from the general fund the first year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials and employees receiving a salary adjustment pursuant to paragraph Z. below, who were employed on April 1, 2020, and remain employed until at least November 24, 2020, a one-time bonus payment equal to three percent of their base pay on December 1, 2020.

2. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.

3. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.

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W. Contingent on the provisions of paragraph U.1, out of amounts appropriated for Employee Compensation in this item, \$20,725,124 from the general fund the first year is provided for a one-time bonus, equal to two percent of their base salary on December 1, 2020 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

X.1. Contingent on the provisions of paragraph U.1. above, \$109,353,218 from the general fund the second year is provided to increase the base salary of the following employees by three percent on June 10, 2021:

a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;

b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;

c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;

d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia

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Liaison Office, and the Secretary of the Commonwealth's Office;

e. Heads of agencies in the Legislative Department;

f. Full-time employees in the Legislative Department, other than officials elected by popular vote;

g. Legislative Assistants as provided for in Item 1 of this act;

h. Judges and Justices in the Judicial Department;

i. Heads of agencies in the Judicial Department;

j. Full-time employees in the Judicial Department;

k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and

l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.

2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.

b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary

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increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.

3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on June 10, 2021. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.

4. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:

- a. The heads of agencies in the Legislative and Judicial Departments;
- b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
- c. The Attorney General;
- d. The Director of the Virginia Retirement System;
- e. The Director of the Virginia Lottery;
- f. The Director of the University of Virginia Medical Center;
- g. The Chief Executive Officer of the Virginia College Savings Plan; and
- h. The Executive Director of the Virginia Port Authority.

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5. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than June 10, 2021. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.

6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase on average.

Y.1. Contingent on the provisions of paragraph U.1. above, the appropriations in this item include funds to increase the base salary of the following employees by three percent on July 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and Comprehensive Community Corrections Act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

2. Out of the appropriation for Supplements to Employee Compensation is included \$28,897,190 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.

Z. Contingent on the provisions of paragraph U.1. above, \$5,187,764 the first year and \$6,225,317 the second year from the general fund, is available for salary adjustments for sworn officers of the Department of State Police as follows:

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a. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$110 for each full year of service up to thirty years, effective August 10, 2020.

b. Prior to effectuating the salary adjustment authorized in this paragraph, the base salary of all sworn officers of the State Police shall be increased by two percent, effective August 10, 2020.

c. The Department of Human Resource Management shall adjust the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan as needed to effectuate the pay action in this paragraph.

AA. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the first year from the general fund to provide a three percent bonus on December 1, 2020 year for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.

BB. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective June 10, 2021."

Explanation:

(This amendment reduces by half the funding provided for the employer share of health insurance premium increases, due to sufficient Health Insurance Fund (HIF) balances. Chapter 1289, 2020 Acts of Assembly reflected a second year increase of 6.7 percent, based on actuarially projected growth in health care costs, enrollment updates, and actual 2019 health care claims expenditures. The HIF balance as of July 2020 was approximately \$535.2 million.)

Item 479.10 #1s

Central Appropriations

Central Appropriations

Language

Language:

Page 204, line 9, strike "Not set out." and insert:

"A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the

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Families First Coronavirus Response Act (P.L. 116-127), the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public health emergency. For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated subject to the provisions and conditions contained in this item.

2. Records Management and Reporting

a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

c. Agencies receiving federal relief funds shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.

3. The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds.

4. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.

B. The Governor is authorized to appropriate, within this item or any other item of this act, any revenues deposited to the COVID-19 Relief Fund created pursuant to House Bill 881 and Senate Bill 971 of the 2020 Session of the General Assembly. Such appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) relief to small businesses, ii) assistance for housing and homelessness, iii) assistance for long term care facilities, and iv) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.

C. Any reports required by paragraphs A or B above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website.

Amendments to SB 5015 (as Introduced)

D. Any unexpended balance remaining in this item on June 30, 2021, or June 30, 2022, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium.

E.1. The Governor is hereby authorized to allocate and appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant the Coronavirus Relief Fund as authorized in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), up to the amounts as follows:

Funding Allocations	FY 2020	FY 2021
<i>Distributed to Localities</i>	\$644,573,383	\$644,573,383
<i>VDEM -Testing</i>	\$42,338,400	\$0
<i>VDEM - PPE</i>	\$97,000,000	\$0
<i>VDEM - Other</i>	\$33,722,001	\$0
<i>VDH - Replace Deficit Authorization</i>	\$3,291,300	\$0
<i>VDH - Contact Tracing and UVA Equipment</i>	\$59,157,614	\$0
<i>DGS - Consolidated Labs</i>	\$6,052,673	\$0
<i>DHCD - Emergency Housing for Homeless</i>	\$5,528,998	\$3,300,000
<i>FY 2020 Agency-based Requests</i>	\$80,480,698	\$0
<i>DHCD - Mortgage and Rental Assistance</i>	\$10,000,000	\$40,000,000
<i>DSBSD - Small Business Assistance Grants</i>	\$0	\$70,000,000
<i>DMAS - Long-term Care Facilities</i>	\$0	\$55,640,872
<i>DMAS - PPE for Personal Care Attendants</i>	\$0	\$9,256,178
<i>VDACS - Food Insecurity</i>	\$0	\$1,211,953
<i>DSS - Food Security - Expand Emergency Food Supply Package</i>	\$0	\$650,000
<i>VDEM - Food Security - Purchase One million MREs</i>	\$0	\$2,000,000
<i>VDEM - Priority PPE (Healthcare and Congregate Care Facilities, Local Health Districts, Childcare Facilities)</i>	\$0	\$42,112,285
<i>VDH - Carillion Serology Study</i>	\$0	\$566,309
<i>VDH - Testing and Contracting</i>	\$0	\$71,829,059
<i>VDH - Environmental Health Specialists for Executive Order Enforcement</i>	\$0	\$4,457,085
<i>DBHDS - State Hospital Census Support</i>	\$0	\$2,800,000
<i>VDEM - COVID-19 Pandemic Response</i>	\$0	\$57,324,110
<i>VDH - Point of Care Antigen Testing</i>	\$0	\$16,010,500
TOTAL	\$982,145,067	\$1,021,731,734

Amendments to SB 5015 (as Introduced)

F. It is the intent of the General Assembly that temporary financial assistance be provided to public institutions of higher education for requests made for fiscal year 2021. The Governor is authorized to allocate up to \$65,000,000 of federal Coronavirus Relief Funds for this purpose, including to the University of Virginia and Virginia Commonwealth University for requested capital projects related to dealing with the COVID-19 pandemic.

G. It is the intent of the General Assembly that federal relief funds be used to support child care stabilization grants with local community partnerships and providers. The Governor is authorized to allocate up to \$20,000,000 of federal Coronavirus Relief Funds for this purpose. Grant criteria shall be developed by the Department of Social Services in consultation with the Department of Education. Grants awarded shall support communities or regional collaboratives to provide additional child care classrooms, home-based child care providers, or responses to short term needs to respond to virtual learning during the COVID-19 emergency.

H. It is the intent of the General Assembly that temporary financial assistance be provided to consumer-directed personal care attendants in the Medicaid program. The Governor is authorized to allocate up to \$34,000,000 of federal Coronavirus Relief Funds, if determined to be permissible and feasible, to provide an increase in the hourly rate of up to 20 percent for up to three months or to make a one-time payment based on a similar methodology that provides financial assistance to consumer-directed personal care attendants to ensure such workers can continue to serve elderly and disabled Medicaid recipients in their homes during the COVID-19 pandemic.

I. It is the intent of the General Assembly that temporary financial assistance be provided to Developmental Disability waiver providers in the Medicaid program to offset COVID-19 related costs and to stabilize the workforce to ensure continued access to such critical services. The Governor is authorized to allocate up to \$40,000,000 of federal Coronavirus Relief Funds, if determined to be permissible and feasible, for this purpose.

J. It is the intent of the General Assembly that temporary financial assistance be provided to local school divisions in responding to the COVID-19 pandemic. The Governor is authorized to allocate up to \$200,000,000 of federal Coronavirus Relief Funds for this purpose.

K. It is the intent of the General Assembly that financial assistance be provided to state agencies in responding to the COVID-19 pandemic. The Governor is authorized to allocate up to \$25,500,000 of federal Coronavirus Relief Funds for this purpose.

L. It is the intent of the General Assembly that temporary financial assistance grants be provided to Virginia-based recreation and tourism businesses in order to stabilize and support the ongoing availability of outdoor recreational opportunities during the COVID-19 pandemic. The Governor is authorized to allocate up to \$15,000,000 of federal Coronavirus Relief Funds, if determined to be permissible and feasible for this purpose.

M. It is the intent of the General Assembly that the Governor may deposit the remaining balance of federal Coronavirus Relief Funds into the Unemployment Trust Fund, if permissible

Amendments to SB 5015 (as Introduced)

by law, to reduce the impact of future unemployment taxes on small businesses.

N.1. There is hereby created a Joint Subcommittee of the House Appropriations and Senate Finance and Appropriations Committees to review, provide advice to the Governor and provide oversight of the use of the Coronavirus Relief Fund (CRF) created pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) or other federal relief funds whereby discretion is provided to the state on how such funds shall be allocated. The joint subcommittee shall consist of eight members, including the Chair of the House Appropriations Committee and three members of the House Appropriations Committee selected by the Chair, the Chair of the Senate Finance and Appropriations Committee and three members of the Senate Finance and Appropriations Committee selected by the Chair. The secretaries of Finance, Commerce and Trade, Health and Human Resources, and Public Safety and Homeland Security shall also be available to provide technical assistance to the joint subcommittee. The joint subcommittee shall be staffed by the staff of House Appropriations and Senate Finance and Appropriations committees.

2. The Joint Subcommittee shall work with the Governor to consider and examine all currently allocated and potential uses of the CRF in providing assistance to state agencies, institutions of higher education, local governments, private non-profit or for-profit businesses, and citizens of the Commonwealth that have been negatively impacted economically due to the effects of the Coronavirus Pandemic. The joint subcommittee shall make recommendations, consistent with the requirements of the CARES Act and any federal regulations or guidance, to the Governor for his consideration. The Governor shall within five days of the enactment of this act, provide information to the joint subcommittee on previous allocations of CRF funding, expenditures to date, and requests under consideration.

3. No less than five days prior to the allocation or appropriation of discretionary federal relief funds, including the CRF, the Governor shall submit his proposal or proposed allocation to the Joint Subcommittee, which shall review and recommend approval or denial of such uses to the Governor within five days. The Governor shall notify the chairs of the Senate Finance and Appropriations Committee and the House Appropriations Committee in writing within five days concerning his decision to appropriate and allocate federal relief funds having previously been considered by the Joint Subcommittee."

Explanation:

(This amendment sets out the allocations from the Coronavirus Relief Fund, which is part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136). Virginia's allocation was \$3.1 billion. The amendment also allocates funding, as feasible, to provide: (i) assistance of up to \$65.0 million to public institutions of higher education for requests made for fiscal year 2021, including two capital projects; (ii) support for child care stabilization grants with local community partnerships and providers; (iii) an increase in the hourly pay rate of up to 20 percent for up to three months or a one-time payment based on a similar methodology that provides financial assistance to consumer-directed personal care attendants to ensure such workers can continue to serve elderly and disabled Medicaid

Amendments to SB 5015 (as Introduced)

recipients in their homes during the COVID-19 pandemic; (iv) to provide support to developmental disability providers; (v) support to local school divisions; (vi) assistance to state agencies; (vii) assistance to the recreation and tourism industries; and (viii) support to the Unemployment Trust Fund from remaining balances to reduce the impact of future unemployment taxes on small businesses. In addition, the amendment establishes a Joint Subcommittee of the House Appropriations and Senate Finance and Appropriations Committee to review, provide advice to the Governor and provide oversight of the use of the Coronavirus Relief Fund (CRF) created pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) or other federal relief funds whereby discretion is provided to the state on how such funds shall be allocated.)

Item 479.10 #2s

Central Appropriations

Central Appropriations

Language

Language:

Page 204, line 9, strike "Not set out." and insert:

“A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public health emergency. For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated subject to the provisions and conditions contained in this item.

2. Records Management and Reporting

a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

c. Agencies receiving federal relief funds shall comply with any requirements established to

Amendments to SB 5015 (as Introduced)

ensure the transparency of the use or expenditure of such federal funds.

3. The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds.

4. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.

B. The Governor is authorized to appropriate, within this item or any other item of this act, any revenues deposited to the COVID-19 Relief Fund created pursuant to House Bill 881 and Senate Bill 971 of the 2020 Session of the General Assembly. *The Governor shall appropriate an amount up to \$95,300,000 the first year from the COVID-19 Relief Fund in Item 145 for COVID-19 Local Relief Payments if sufficient revenue has been deposited to the fund by June 1, 2021 to cover these payments. These funds shall be distributed as prescribed in Item 145 to support COVID-19 Relief Payments. Any additional* ~~Such~~ *appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) assistance for public education, ii) relief to small businesses, iii) assistance for housing and homelessness, iv) assistance for long term care facilities, and v) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.*

C. Any reports required by paragraphs A or B above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website.

D. Any unexpended balance remaining in this item on June 30, 2021, or June 30, 2022, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium."

Explanation:

(This amendment provides an appropriation of up to \$95.3 million the first year from the COVID-19 Relief Fund in Item 145 for COVID-19 Local Relief Payments to support the costs of the Standards of Quality. The appropriation for the COVID-19 Local Relief Payments is contingent upon actual revenues collected and deposited to the COVID-19 Relief Fund by June 1, 2021 to cover these payments.)

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 9, insert:

"E. The Director, Department of Planning and Budget, shall unallot \$30,000,000 from the general fund in this Item and revert the appropriation to the general fund, on or before June 30, 2021, which reflects carryforward balances from fiscal year 2020."

Explanation:

(This amendment includes language to revert \$30 million of the \$50 million general fund provided in fiscal year 2020 to respond to the COVID-19 pandemic. The funding was reappropriated in fiscal year 2021. To date, \$1.9 million has been used for state match. This amendment leaves \$18.1 million for other potential unknown costs. Federal relief funds have provided the Commonwealth with substantial resources to respond to the pandemic and this reversion diverts this funding to other critical items needing state funding. Such funding is reflected in other amendments such as the extension of the \$20 per day nursing home payment through Medicaid. Item 479.10 will be set out upon enrolling of the bill.)

Item 479.20 #1s

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 9, insert:

"1. It is the intent of the General Assembly that based on actual collections of general fund revenues through June 15, 2021, that the Governor shall estimate the total expected fiscal year 2021 general fund revenues and if such estimate of general fund revenues are above the official general fund revenue estimate for fiscal year 2021 used in this act, such additional revenue shall be allocated to fund the following items in priority order in fiscal year 2022:

Agency		FY 2022
Department of Behavioral Health and Developmental Services	Increase permanent supportive housing capacity	\$5,000,000
Department of Behavioral Health and Developmental Services	Provide funds for partial implementation of STEP-VA	\$18,607,414
Department of Medical Assistance Services	Increase mental health provider rates	\$2,458,479

Amendments to SB 5015 (as Introduced)

Department of Medical Assistance Services	Enhance behavioral health services	\$10,273,553
Direct Aid to Public Education	Increase support for at-risk students	\$35,173,962
Direct Aid to Public Education	Maximize pre-kindergarten access for at-risk three- and four-year-old children	\$48,436,297
Department of Medical Assistance Services	Increase DD Waiver Provider Rates Based on Updated Data	\$11,018,539
Department of Medical Assistance Services	Increase Developmental Disability (DD) waiver rates	\$1,874,427
Department of Medical Assistance Services	Increase rates for skilled and private duty nursing services (80% of Benchmark)	\$3,666,899
Department of Medical Assistance Services	Additional 8 Hours of Overtime for Personal Care Attendants	\$3,190,283
Department of Medical Assistance Services	Increase Rates for Psychiatric Residential Treatment Facilities	\$7,599,696
Department of Medical Assistance Services	Restore 550 Developmental Disability Waiver Slots	\$11,595,774
Department of Medical Assistance Services	Fund home visiting services	\$11,750,159
Department of Social Services	Fund local departments of social services prevention services	\$17,437,461
Department of Corrections	Fund Electronic Health Records	\$8,935,649
Department of Medical Assistance Services	Increase Medicaid Nursing Facility Reimbursement	\$6,984,788
Central Appropriations	Two Percent Bonus for State Employees, Teachers and State-supported locals	\$169,473,233
TOTAL		\$373,467,613

2. Contingent on the provisions of paragraph 1. above, and according to the specified prioritization, \$66,121,924 from the general fund shall be made available to provide all classified employees of the Executive Branch and other full-time employees of the

Amendments to SB 5015 (as Introduced)

Commonwealth, except elected officials, who were employed on December 1, 2020 and remained employed at least until July 24, 2021, a one-time bonus payment equal to two percent of their base pay on August 1, 2021.

3. Furthermore, contingent on the provisions of paragraph 1 above, and according to the specified prioritization, \$20,725,127 from the general fund shall be made available to provide to a one-time bonus payment equal to two percent of the base salaries of the following listed employees on August 1, 2021, provided that the governing authority of such employees use such funds to support the provision of a bonus:

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

4. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.

5. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.

6. Contingent on the provisions of paragraph 1 above, and according to the specified prioritization, \$82,626,182 from the general fund shall be made available from the general fund for the state share of a one-time bonus payment equal to two percent of base pay on August 1, 2021, for funded SOQ instructional and support positions and Academic Year Governor's School instructional and support positions.

7. The Director, Department of Planning and Budget, shall have authority to adjust the

Amendments to SB 5015 (as Introduced)

appropriation reversion amounts in the second year contained in Item 482.20 to reflect items funded as a result of paragraph 1.

8. Should the additional revenue pursuant to paragraph 1 be insufficient to fund all the items listed, then the Governor shall fund those items listed in priority order for which the additional revenue is sufficient to fully fund."

Explanation:

(This amendment provides that any additional revenue for fiscal year 2021 as a result of the higher than forecast general fund revenues in the fiscal year will be used for the listed high priority funding items in fiscal year 2022.)

	Item 482.20 #1s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$0	\$3,289,890 GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,332,250,587".

Page 205, line 9, strike "\$1,335,540,477" and insert "1,332,250,587".

Page 215, line 15, strike "\$3,289,890" and insert "\$0".

Page 216, line 8, strike "\$127,501,107" and insert "\$124,211,217".

Explanation:

(This amendment restores \$3.3 million general fund the second year to eliminate, effective July 1, 2021, the current Medicaid requirement that legal permanent residents have 40 quarters (10 years) of work experience in order to be eligible for Medicaid benefits. Federal law requires five years of legal residence to qualify for Medicaid but Virginia requires 10 years of work experience, one of six states with such a requirement. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

	Item 482.20 #2s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$250,000	\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,765,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,765,992".

Amendments to SB 5015 (as Introduced)

Page 208, strike line 9 through line 10.

Page 208, line 32, strike "\$178,344,517" and insert "\$178,094,517".

Explanation:

(This amendment restores funding to the Emil and Grace Shihadeh Innovation Center for one-time support for furniture and equipment. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

Item 482.20 #3s

Central Appropriations

FY20-21

FY21-22

Central Appropriations

\$100,000

\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,915,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,915,992".

Page 218, strike line 45 through line 46.

Page 219, line 3, strike "\$1,082,144" and insert "\$982,144".

Explanation:

(This amendment restores funding for the County of Gloucester in support of the historic preservation of the Woodville School.)

Item 482.20 #4s

Central Appropriations

FY20-21

FY21-22

Central Appropriations

\$250,000

\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,765,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,765,992".

Page 218, strike line 48 through line 49.

Page 219, line 3, strike "\$1,082,144" and insert "\$832,144".

Explanation:

(This amendment restores funding to the County of Fairfax to support NOVA Parks in commemoration of the centennial of Women's Suffrage.)

Item 482.20 #5s

Amendments to SB 5015 (as Introduced)

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$500,000	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,040,477".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,335,040,477".

Page 218, line 22, strike the second "\$500,000" and insert "\$0".

Page 218, line 28, strike "\$27,935,341" and insert "\$27,435,341".

Explanation:

(This amendment restores second year funding of \$500,000 GF for preventive maintenance needs across the Virginia State Park System.)

Item 482.20 #6s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$161,719	\$323,437	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,854,273".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,217,040".

Page 205, line 27, strike the first occurrence of "\$323,437" and insert "\$161,718".

Page 205, line 27, strike the second occurrence of "\$323,437" and insert "\$0".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,854,273" and strike "\$1,335,540,477" and insert "\$1,335,217,040".

Explanation:

(This amendment restores funding related to a new judgeship in the 19th judicial district that was unallotted in Chapter 1289, 2020 Acts of Assembly. The first year funding is prorated six months, with an effective date of January 1, 2021.)

Item 482.20 #7s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$5,732,280	\$7,596,300	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$748,283,712".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,327,944,177".

Amendments to SB 5015 (as Introduced)

Page 205, strike lines 25 through 26.

Page 205, line 9, strike "\$754,015,992" and insert "\$748,283,712" and strike "\$1,335,540,477" and insert "\$132,794,417".

Explanation:

(This amendment restores funding of \$5.7 million GF the first year and \$7.6 million GF the second year related to additional district court clerk positions that was unallotted in Chapter 1289, 2020 Acts of Assembly.)

	Item 482.20 #8s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$3,798,726	\$5,698,089 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$750,217,266".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,329,842,388".

Page 205, strike lines 30 through 34.

Page 205, line 9, strike "\$754,015,992" and insert "\$750,217,266" and strike "\$1,335,540,477" and insert "\$1,329,842,388".

Explanation:

(This amendment restores funding of \$3.8 million GF the first year and \$5.7 million GF the second year related to additional public defender positions for the Indigent Defense Commission that was unallotted in Chapter 1289, 2020 Acts of Assembly.)

	Item 482.20 #9s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$0	\$17,486,839 GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,318,053,638".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,318,053,638".

Page 215, line 7, strike "\$25,304,935" and insert "\$7,818,096".

Page 216, line 8, strike "\$127,501,107" and insert "\$110,014,268".

Explanation:

(This amendment restores \$17.5 million from the general fund the second year to add a

Amendments to SB 5015 (as Introduced)

Medicaid adult dental benefit to take effect on July 1, 2021. This benefit was funded in the 2020 Appropriation Act to take effect January 1, 2021, but subsequently was unallotted in the April 2020 Reconvened Session and has been proposed to be eliminated in the Governor's proposed budget for the Special Session.)

Item 482.20 #10s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$3,209,470	\$6,418,940	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$750,806,522".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,329,121,537".
Page 205, line 9, strike "\$754,015,992" and insert "\$750,806,522".
Page 205, line 9, strike "\$1,335,540,477" and insert "1,329,121,537".
Page 215, line 13, strike the first "\$9,609,223" and insert "\$6,399,753".
Page 215, line 13, strike the second "\$9,609,223" and insert "\$3,190,283".
Page 216, line 8, strike "\$79,572,610" and insert "\$76,363,140".
Page 216, line 8, strike "\$127,501,107" and insert "\$121,082,167".

Explanation:

(This amendment restores \$3.2 million the first year and \$6.4 million the second year from the general fund to pay overtime compensation to personal care attendants who are providing care under the consumer-directed service option in Medicaid waivers. The amendment allows Medicaid to pay time and a half for up to 8 hours for a single attendant who works more than 40 hours per week, beginning January 1, 2021. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #11s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$557,468	\$2,116,376	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,458,524".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,333,424,101".
Page 205, line 9, strike "\$754,015,992" and insert "\$753,458,524".

Page 205, line 9, strike "\$1,335,540,477" and insert "1,333,424,101".
Page 215, line 22, strike "\$1,114,936" and insert "\$557,468".

Amendments to SB 5015 (as Introduced)

Page 215, line 22, strike "\$2,116,376" and insert "\$0".

Page 216, line 8, strike "\$79,572,610" and insert "\$79,015,142".

Page 216, line 8, strike "\$127,501,107" and insert "\$125,384,731".

Explanation:

(This amendment restores \$557,468 the first year and \$2.1 million the second year from the general fund to extend postpartum coverage for women in the FAMIS program from two months to 12 months, effective January 1, 2021. Funding for this coverage extension was included in the 2020 Appropriation Act but subsequently unallotted in April due to the COVID-19 pandemic, and proposed to be eliminated in the introduced budget for the Special Session. Women with income from 143 to 205 percent of the federal poverty level are currently eligible for coverage in the FAMIS program during pregnancy through 60 days postpartum. FAMIS is funded through the federal Children’s Health Insurance Program with a typical 35 percent state match.)

Item 482.20 #12s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$352,534	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,187,943".

Page 205, line 9, strike "\$1,335,540,477" and insert "1,335,187,943".

Page 215, line 48, strike "\$352,534" and insert "\$0".

Page 216, line 8, strike "\$127,501,107" and insert "\$127,148,573".

Explanation:

(This amendment restores \$352,534 the second year from the general fund to require Medicaid managed care organizations to reimburse at no less than 90 percent of the state Medicaid fee schedule for durable medical equipment. These funds were included in the budget passed in March 2020, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #13s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$2,578,387	GF

Language:

Amendments to SB 5015 (as Introduced)

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,332,962,090".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,333,062,090".

Page 215, line 46, strike the second "\$6,245,286" and insert "\$3,666,899".

Page 216, line 8, strike "\$127,501,107" and insert "\$124,922,720".

Explanation:

(This amendment restores funding to increase Medicaid reimbursement for skilled and private duty nursing to 75 percent of the benchmark rate effective July 1, 2021. This increase applies to skilled nursing services provided through the Developmental Disability Waiver programs and private duty nursing services including congregate nursing services provided in the Commonwealth Coordinated Care Plus Waiver, the Developmental Disability Waiver programs and the Early and Periodic Screening, Diagnostic and Treatment program. This amendment increases the skilled nursing rates by 8.8 percent and private duty nursing rates by an average of 4.7 percent. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #14s

Central Appropriations

FY20-21

FY21-22

Central Appropriations

\$0

\$262,491 GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,277,986".

Page 205, line, strike "\$1,335,540,477" and insert "1,335,277,986".

Page 215, line 36, strike "\$262,491" and insert "\$0".

Page 216, line 8, strike "\$127,501,107" and insert "\$127,238,616".

Explanation:

(This amendment restores \$262,491 the second year from the general fund to increase Medicaid reimbursement for anesthesiologists to 70 percent of the equivalent Medicare rate in the fee for service and managed care programs. The intent of the 2019 General Assembly was to increase Medicaid reimbursement to 70 percent of the equivalent Medicare fee to physicians who were reimbursed less than 70 percent of Medicare rates. The anesthesiologists qualified for this increase but were inadvertently left out of the budget language. This ensures that the error is corrected. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #15s

Amendments to SB 5015 (as Introduced)

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$250,000	\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,765,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,765,992".

Page 214, strike lines 14 and 15.

Page 214, line 18, strike "\$300,000" and insert "\$50,000".

Explanation:

(This amendment restores \$250,000 the first year from the general fund to restore funding to complete the rate study for private day special education programs funded through the Children's Services Act. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #16s

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$300,000	\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,715,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,715,992".

Page 215, strike line 50.

Page 216, line 8, strike "\$79,572,610" and insert "\$79,272,610".

Explanation:

(This amendment restores \$300,000 the first year from the general fund for the Department of Medical Assistance Services to contract with a consultant with expertise in health care rate setting to thoroughly analyze current Medicaid rates for services likely impacted by an increase in the state minimum wage and to make recommendations for rate adjustments as appropriate. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #17s

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$1,350,000	\$2,600,000 GF

Amendments to SB 5015 (as Introduced)

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$752,665,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,332,940,477".
Page 205, line 9, strike "\$754,015,992" and insert "\$752,665,992".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,332,940,477".
Page 215, strike lines 8 and 9.
Page 216, line 8, strike "\$79,572,610" and insert "\$78,222,610".
Page 216, line 8, strike "\$127,501,107" and insert "\$124,901,107".

Explanation:

(This amendment restores \$1.4 million the first year and \$2.6 million the second year to fully fund an error in the Official Medicaid Forecast that removed funding for new graduate medical residency slots funded through Medicaid. Included in this funding is \$100,000 from the general fund and \$100,000 from nongeneral funds for the Graduate Medical Education residency program each year of the biennium, to provide funding for 27 slots, rather than 25, for the residents who started in July 2021. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #18s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$12,892,966	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,322,647,511".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,322,647,511".
Page 215, line 30, strike "\$22,037,077" and insert "\$11,018,538".
Page 215, line 32, strike "\$3,748,853" and insert "\$1,874,426".
Page 216, line 8, strike "\$127,501,107" and insert "\$114,608,141".

Explanation:

(This amendment restores \$12.9 million the second year from the general fund to fund half the increase in provider rates for services provided through the current Medicaid Developmental Disability Waiver programs using updated data, including wage assumptions, to 100 percent of the rate model benchmark. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session. A separate amendment funds the remaining half of the provider rate increase contingent on additional revenues above the forecast.)

Amendments to SB 5015 (as Introduced)

Item 482.20 #19s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$7,500,000	\$10,000,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$746,515,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,325,540,477".
Page 205, line 9, strike "\$754,015,992" and insert "\$746,515,992".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,325,540,477".
Page 216, line 15, strike "\$7,500,000" and insert "\$0".
Page 216, line 15, strike "\$12,500,000" and insert "\$2,500,000".
Page 216, line 27, strike "\$20,713,104" and insert "\$13,213,104".
Page 216, line 27, strike "\$26,155,627" and insert "\$23,655,627".

Explanation:

(This amendment restores \$7.5 million the first year and \$10.0 million the second year to fund statewide discharge assistance plans to address census issues at state facilities by increasing the availability of community-based services for individuals determined clinically ready for discharge. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #20s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$2,500,000	\$5,000,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$751,515,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,330,540,477".
Page 205, line 9, strike "\$754,015,992" and insert "\$751,515,992".
Page 205, line 9, strike "\$1,339,540,477" and insert "\$1,330,540,477".
Page 216, line 18, strike the first "\$7,500,000" and insert "\$2,500,000".
Page 216, line 18, strike the second "\$7,500,000" and insert "\$5,000,000".
Page 216, line 27, strike "\$20,713,104" and insert "\$18,213,104".
Page 216, line 27, strike "\$26,155,627" and insert "\$21,155,627".

Explanation:

(This amendment restores \$2.5 million the first year and \$5,000,000 the second year from the general fund to fund various pilot programs in the Commonwealth to help address census

Amendments to SB 5015 (as Introduced)

pressures on state psychiatric hospitals. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #21s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$3,000,000	\$12,000,000	GF

Language:

- Page 205, line 1, strike "\$754,015,992" and insert "\$751,015,992".
- Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,323,540,477".
- Page 205, line 9, strike "\$754,015,992" and insert "\$751,015,992".
- Page 205, line 9, strike "\$1,355,540,477" and insert "\$1,323,540,477".
- Page 216, line 32, strike "\$8,500,000" and insert "\$5,500,000".
- Page 216, line 32, strike "\$17,000,000" and insert "\$5,000,000".
- Page 216, line 36, strike "\$29,604,173" and insert "\$26,604,173".
- Page 216, line 36, strike "\$49,252,214" and insert "\$37,252,214".

Explanation:

(This amendment restores \$3.0 million the first year and \$12.0 million the second year to increase permanent supportive housing capacity to serve more individuals with serious mental illness and provide stable housing. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #22s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$2,112,194	\$4,224,388	GF

Language:

- Page 205, line 1, strike "\$754,015,992" and insert "\$751,903,798".
- Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,316,089".
- Page 205, line 9, strike "\$754,015,992" and insert "\$751,903,798".
- Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,331,316,089".
- Page 216, line 20, strike the first "\$4,224,388" and insert "\$2,112,194".
- Page 216, line 20, strike the second "\$4,224,388" and insert "\$0".
- Page 216, line 27, strike "\$20,713,104" and insert "\$18,600,910".
- Page 216, line 27, strike "\$26,155,627" and insert "\$21,931,239".

Amendments to SB 5015 (as Introduced)

Explanation:

(This amendment restores \$2.1 million the first year and \$4.2 million the second year to fully fund statewide implementation, effective January 1, 2021, of the Virginia Mental Health Access Program (VMAP), an integrated care program that increases access for children and adolescents to behavioral health services through enhanced pediatric training, psychiatric consultations, telehealth, and care navigation. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #23s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$11,544,000	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,323,996,477".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,323,996,477".
Page 216, line 34, strike "\$30,151,414" and insert "\$18,607,414".
Page 216, line 36, strike "\$49,252,214" and insert "\$37,708,214".

Explanation:

(This amendment restores \$11.5 million the second year from the general fund to restore crisis services as part of STEP-VA. The funding includes \$6.8 million for mobile crisis services and \$4.7 million for crisis dispatch that will assist in implementation of Senate Bill 5038, that creates a mental health awareness response system. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #24s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$579,951	\$1,159,901	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,436,041".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,334,380,576".
Page 205, line 9, strike "\$754,015,992" and insert "\$753,436,041".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,334,380,576".
Page 217, line 47, strike the first "\$1,159,901" and insert "\$579,950".

Amendments to SB 5015 (as Introduced)

Page 217, line 47, strike the second "\$1,159,901" and insert "\$0".

Page 217, line 51, strike "\$31,646,263" and insert "\$31,066,312".

Page 217, line 51, strike "\$41,188,197" and insert "\$25,032,570".

Explanation:

(This amendment restores \$579,951 the first year and \$1.2 million the second year to fund a 15 percent increase in TANF cash assistance payments to two-parent families. On July 1, 2020, the increase was provided to most TANF families, however cash assistance for two-parent families are funded from the general fund, and the associated funding included in the budget passed in March, was subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session. This amendment restores the funding to allow two-parents families to receive the 15 percent increase beginning January 1, 2021.)

Item 482.20 #25s

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$400,000	\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,615,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,615,992".

Page 208, line 36, strike the first "\$400,000" and insert "\$0".

Explanation:

(This amendment restores \$400,000 the first year only in additional funding for the Virtual Library of Virginia. New funding included in the budget passed in March, was subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session. This amendment restores the funding.)

Item 482.20 #26s

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$1,150,000	\$2,300,000 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$752,865,992".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,333,240,477".

Page 205, line 9, strike "\$754,015,992" and insert "\$752,865,992".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,333,240,477".

Page 219, line 47, strike the first "\$2,300,000" and insert "\$1,150,000".

Page 219, line 47, strike the second "\$2,300,000" and insert "\$0".

Amendments to SB 5015 (as Introduced)

Page 219, line 52, strike the first "\$13,878,574" and insert "\$12,728,574)."

Page 219, line 52, strike the second "\$13,878,574" and insert "\$11,578,574)".

Explanation:

(This amendment restores \$1.2 million the first year and \$2.3 million the second year from the general fund to increase the amount available to the Department of Criminal Justice Services to distribute to local community corrections programs for pretrial and probation services. The funding provides for programs to be established in 33 localities lacking such programs. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #27s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$500,000	\$1,000,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,515,992)".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,334,540,477)".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,515,992)".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,334,540,477)".

Page 219, line 43, strike the first "\$1,000,000" and insert "\$500,000)".

Page 219, line 43, strike the second "\$1,000,000" and insert "\$0)".

Page 219, line 52, strike the first "\$13,878,574" and insert "\$13,378,574)".

Page 219, line 52, strike the second "\$13,878,574" and insert "\$12,878,574)".

Explanation:

(This amendment restores \$0.5 million the first year and \$1.0 million the second year from the general fund to increase the amount available to the Department of Criminal Justice Services for pre-release and post-incarceration services. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #28s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$200,000	\$200,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,815,992)".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,340,477)".

Amendments to SB 5015 (as Introduced)

Page 205, line 9, strike "\$754,015,992" and insert "\$753,815,992".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,335,340,477".

Page 219 strike line 45 through line 46.

Page 219, line 52, strike each instance of "\$13,878,574" and insert: "\$13,678,574)."

Explanation:

(This amendment restores \$0.2 million in each year from the general fund to increase the amount available to the Department of Criminal Justice Services to make grants to organizations for post-critical incident support for law enforcement officers. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #29s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$3,000,000	\$3,000,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$751,015,992".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,332,540,477".

Page 205, line 9, strike "\$754,015,992" and insert "\$751,015,992".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,332,540,477".

Page 219, strike line 35 through line 37.

Page 219, line 38, strike "\$15,142,502" and insert "\$12,142,502)."

Page 219, line 38, strike "\$26,956,626" and insert "\$23,956,626)."

Explanation:

(This amendment restores \$3.0 million in each year from the general fund for the Department of Corrections to implement an electronic health records system for all correctional facilities. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session.)

Item 482.20 #30s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$376,364	\$376,364	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,639,628)."

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,164,113)."

Amendments to SB 5015 (as Introduced)

Page 205, line 9, strike "\$754,015,992" and insert "\$753,639,628".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,335,164,113".
Page 218, strike line 18.
Page 218, line 28, strike "(\$3,398,510)" and insert "(\$3,022,146)".
Page 218, line 28, strike "(\$27,935,341)" and insert "(\$27,558,977)".

Explanation:

(This amendment restores dedicated operating support to the public operations of Natural Bridge State Park.)

Item 482.20 #31s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$10,000,000	\$24,000,000	GF

Language:

Page 205, line 1, strike "(\$754,015,992)" and insert "(\$744,015,992)".
Page 205, line 1, strike "(\$1,335,540,477)" and insert "(\$1,311,540,477)".
Page 205, line 9, strike "\$754,015,992" and insert "\$744,015,992".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,311,540,477".
Page 209, line 29, strike "\$10,000,000" and insert "\$5,000,000".
Page 209, line 29, strike "\$12,000,000" and insert "\$0".
Page 210, line 13, strike "\$10,000,000" and insert "\$5,000,000".
Page 210, line 13, strike "\$12,000,000" and insert "\$0".

Explanation:

(This amendment restores \$5.0 million each the first year and \$12.0 million each the second year for George Mason University and Old Dominion University to begin addressing funding disparities due to enrollment growth for in-state students, continued increases in two-year transfer students, and educational program development to support economic growth. Funding was included in the budget passed in March, was subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the Special Session. This amendment restores half of the original amount of funding in the first year and the full amount in the second year.)

Item 482.20 #32s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$342,678	\$209,509	GF

Language:

Amendments to SB 5015 (as Introduced)

Page 205, line 1, strike "\$754,015,992" and insert "\$753,673,314".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,330,968".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,673,314".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,335,330,968".

Page 218, strike line 24 through line 25.

Page 218 line 28, strike "\$3,398,510" and insert "\$3,055,832".

Page 218 line 28, strike "\$27,935,341" and insert "\$27,725,832".

Explanation:

(This amendment restores funding for the operation of the Green Pastures Recreation Area as a satellite facility of Douthat State Park.)

Item C-56 #1s

Public Safety and Homeland Security

Department of State Police

Language

Language:

Page 228, line 10, strike "Not set out." and insert:

Amendment drawn to Chapter 1289.

"A. This appropriation is the second and third of a four year allocation to implement an upgrade program for the Statewide Agencies Radio System (STARS) project. It may consist of, but is not limited to, land; mobile telecommunications equipment and towers; software; radio frequency rights and licenses; communications control buildings and facilities; related infrastructure; program management; and other project costs necessary, incidental or convenient to undertake, acquire, develop, construct, upgrade, and equip the integrated statewide shared land-mobile radio communications system for the Commonwealth.

B.1. It is the intent of the General Assembly that the Statewide Agencies Radio System (STARS) that is managed by the Department of State Police for the purpose of interoperable communications among law enforcement agencies in the Commonwealth during critical public safety events, be procured competitively and with non-proprietary technology, in order to maximize efficiency and participation among law enforcement users.

Amendments to SB 5015 (as Introduced)

2. *Notwithstanding Item C-56 of Chapter 1289, 2020 Acts of Assembly, or Items C-34.10 and C-34.20 of Chapter 854, 2019 Acts of Assembly, the Department of State Police shall not procure any major technology or hardware upgrades or replacements of the existing system until after the report directed in paragraph B.3. of this item is presented to the General Assembly and further authorization is made in an Appropriation Act.*

3. *The Department of State Police, in collaboration with the Chief Information Officer of the Virginia Information Technology Agency, shall submit a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 18, 2020, which includes the following information: (i) An update on the status of all equipment owned by the Department and when it was purchased or replaced; (ii) A discussion of recent procurement efforts for replacement of the STARS system, which details the components based on standard "Project-25" (P-25) technology and any components which were bid based on non-standard (P-25) technology; (iii) An updated estimate on the total cost of upgrading the system based on P-25 technology, as well as an overview of annual operating expenses and FTEs and wage employees assigned to manage the system."*

Explanation:

(This amendment directs the Department of State Police to report on the procurement of a replacement for the Statewide Agencies Radio System. The amendment also prohibits further action on the existing procurement with funding that was authorized in Chapters 854 of the 2019 Acts of Assembly, and Chapter 1289 of the 2020 Acts of Assembly, until submission of the report required and further authorization is granted in a future Appropriation Act.)

Item C-69 #1s

Central Appropriations

Central Capital Outlay

Language

Language:

Page 230, line 46, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

Page 592, strike paragraph A.1. and insert:

"A. 1. Included in this Item is \$170,700,000 in bond appropriation which may be transferred between and among the capital project pools listed, *or any project within a listed pool notwithstanding § 2.2-1519 E*, in paragraph O. of § 2-0 of this act in order to address any shortfall in appropriation in one or more of such project pools *or project*, pursuant to the provisions of § 2-0, paragraph O., of this act and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2260 et seq., Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may

Amendments to SB 5015 (as Introduced)

be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amount shall not exceed \$170,700,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia."

Explanation:

(This amendment clarifies that bond appropriation may be transferred between and among the listed capital project pools.)

Item C-74 #1s

Central Appropriations

Central Capital Outlay

Language

Language:

Page 231, line 16, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

Page 650, strike Item C-74 and insert:

A.1. Pursuant to projects authorized and funded in paragraphs B and E.1 of Item C-39.40 of Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, the General Assembly appropriated funds to the Department of General Services (DGS) for Capitol Complex Infrastructure and Security construction projects. Project work includes improvements and safety and security enhancements to be constructed or installed within the right-of-way of North 9th Street (between the area north of where Bank Street intersects North 9th Street and south of where North 9th Street intersects East Broad Street) and within the right-of-way of East Broad Street (between the area from where the western right-of-way line of North 9th Street intersects East Broad Street to where the ~~western~~ *eastern* right-of-way line of Governor Street intersects East Broad Street), which rights-of-way are owned by the City of Richmond (City), and more specifically as determined by the DGS project team and in collaboration with the City with respect to such rights-of-way. Accordingly, the City and DGS shall enter into a deed of easement or other proper instruments, in such form approved by the Offices of the City Attorney and of the Commonwealth Office of the Attorney General, whereby the City, without charge to the Commonwealth, shall grant to DGS, as agent of the Commonwealth, where mutually agreeable across, over, under and above the referenced right-of-way of North 9th Street and East Broad Street, (a) the perpetual and irrevocable right, privilege and easement to construct, install, use, operate, inspect, maintain, repair, replace, rebuild, improve, alter and remove (i) any construction or installation contracted for by DGS either as part of the referenced construction projects or at any time with respect to safety and security enhancements around the perimeter of Capitol Square deemed appropriate by DGS and (ii) all equipment, accessories,

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utilities and appurtenances necessary to support such construction projects and such incorporation of safety and security enhancements, (b) the perpetual and irrevocable right, privilege and easement to inspect, maintain, repair, replace and rebuild the sidewalks and elements thereof (but not traffic control devices and signage or street lighting located thereupon) of the referenced right-of-way of North 9th Street and East Broad Street and (c) any necessary or appropriate temporary construction easements, upon terms approved by the Mayor of Richmond and the Governor (pursuant to § 2.2-1149, Code of Virginia); approval by Richmond City Council shall not be required.

2. The City, without expending City funds, shall cooperate with DGS (i) to support the referenced construction project work and incorporation of safety and security enhancements at and along North 9th Street and East Broad Street, (ii) to relocate any utilities located in the agreed upon easement area, if necessary, and (iii) to coordinate any closure or other traffic flow controls of North 9th Street and East Broad Street during the performance of the construction projects and the incorporation of any safety and security features that will enhance safety and security around the perimeter of Capitol Square. At no time shall DGS make any permanent changes to the North 9th Street or East Broad Street rights-of-way without the prior approval of the Chief Administrative Officer of the City or the City hinder or delay construction of the referenced construction projects. Notwithstanding the foregoing, DGS may commence the construction project work and safety and security enhancements within the referenced right-of-way of North 9th Street and East Broad Street prior to the execution of a deed of easement or other proper instruments, if deemed necessary by DGS to avoid delay in the implementation of the construction project work or safety and security enhancements.

~~B. Pursuant to projects authorized and funded in paragraph E.1 of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, operations of the Virginia General Assembly have temporarily moved and now operate from the Pocahontas Building bounded by the following streets 9th to the west, 10th to the east, Bank to the north, and Main to the south in the City of Richmond. This temporary move has resulted in the Commonwealth's legislative activities to be concentrated in an area requiring traffic and pedestrian operational safety and security enhancements. As such, and pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), Bank Street from 9th to 12th Street in the City of Richmond shall be controlled by the DGS and the DCP year round while General Assembly operations are located, and conducted, in the Pocahontas Building. Vehicular travel limitations and pedestrian management needs on and along Bank Street shall be determined jointly by the DGS and the DCP during this time. These determinations will be based on the recommendations outlined in the Bank Street Safety and Security Assessment prepared by Commonwealth Architects dated February 15, 2017 (the Assessment). Funding for materials and contract services needed to address pedestrian and vehicle management activities are available to DGS from the Chapter referenced in this item. 2. At no time, will DGS or DCP make permanent changes to Bank Street right-of-way (e.g. traffic control devices, security fixtures, street lighting, surface treatments) without the approval of the City of Richmond's Chief Administrative Officer. Additionally, at no time will the City prevent DGS and DCP from implementing and maintaining the recommendations outlined in~~

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~~the Assessment. Bank Street operations, as described in paragraph A, will remain under the control of DGS and DCP year-round until control of Bank Street 1 reverts to the City of Richmond upon the General Assembly, and its operations, vacating the Pocahontas Building, and the General Assembly, with approval of the Governor, authorizing control of Bank Street back to the City of Richmond."~~

Explanation:

(This amendment modifies existing language having to do with Seat of Government security and resolves conflict between the two, in a companion amendment in Item 4-5.11.)

Item 3-1.01 #1s

Transfers

Interfund Transfers

Language

Language:

Page 234, set out item § 3-3.01, and after paragraph JJ., insert:

"KK. On or before June 30, 2021, the State Comptroller shall transfer to the general fund, the balance of the Aerospace Manufacturer Workforce Training Grant Fund estimated at \$1,203,000."

Explanation:

(This amendment transfers the balance of the Aerospace Manufacturer Workforce Training Grant Fund to the general fund. Upon enrolling, Item § 3-3.01 will be set out and enrolled appropriately.)

Item 3-1.01 #2s

Transfers

Interfund Transfers

Language

Language:

Page 233, line 2, strike "Not set out." and insert:

Amendment drawn to Chapter 1289.

"

Amendments to SB 5015 (as Introduced)

§ 3-1.00 TRANSFERS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2021	FY 2022
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)		
	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)		
	\$2,419	\$2,419
4. For collection by Department of Taxation		

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a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax		
	\$1,596	\$1,596
c) Virginia Litter Tax		
	\$9,472	\$9,472
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,913,243	\$74,913,243

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at ~~\$125,100,000~~ \$128,400,000 the first year and ~~\$128,700,000~~ \$132,100,000 the second year.

b. Notwithstanding the provisions of § 4.1-116 B, Code of Virginia, the Alcoholic Beverage Control Authority shall properly record the depreciation of all depreciable assets, including approved projects, property, plant and equipment. The State Comptroller shall be notified of the amount of depreciation costs recorded by the Alcoholic Beverage Control Authority. However, such depreciation costs shall not be the basis for reducing the quarterly transfers

Amendments to SB 5015 (as Introduced)

needed to meet the estimated profits contained in this act.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.04 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. From these amounts \$2,583,531 the first year and \$2,583,531 the second year shall be deposited to the Virginia Water Quality Improvement Fund pursuant to § 10.1-2128.1, Code of Virginia, and designated for deposit to the reserve fund, for ongoing improvements of the Chesapeake Bay and its tributaries. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$10,000,000	\$10,000,000
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,202,002 the first year and \$6,202,002 the second year.

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E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$2,993,308 the first year and \$2,993,308 the second year.

F.1. On or before June 30 of each year, the State Comptroller shall transfer \$12,287,244 the first year and \$12,287,244 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2021	FY 2022
Administration of Health Insurance (149)	0500	\$618,420	\$618,420
Department of Forestry (411)	0200	\$5,303	\$5,303
Department of Forestry (411)	0900	\$312	\$312
Department of Professional and Occupational Regulations (222)	0200	\$5,023	\$5,023
Tobacco Region Revitalization Commission (851)	0900	\$19,411	\$19,411
Southwest Virginia Higher Education Center (948)	0200	\$9,535	\$9,535

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The Science Museum of Virginia (146)	0200	\$25,000	\$25,000
Virginia Museum of Fine Arts (238)	0200	\$20,764	\$20,764
Virginia Museum of Fine Arts (238)	0500	\$14,344	\$14,344
Virginia Museum of Natural History (942)	0200	\$1,176	\$1,176
Board of Accountancy (226)	0900	\$13,366	\$13,366
Department for Aging and Rehabilitative Services (262)	0200	\$41,215	\$41,215
Department for the Deaf and Hard of Hearing (751)	0200	\$4,533	\$4,533
Department of Behavioral Health and Developmental Services (720)	0200	\$61,085	\$61,085
Department of Health (601)	0900	\$123,687	\$123,687
Virginia Foundation for Healthy Youth (852)	0900	\$16,548	\$16,548

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State Corporation Commission (171)	0900	\$9,058	\$9,058
Virginia College Savings Plan (174)	0500	\$351,045	\$351,045
Board of Bar Examiners (233)	0200	\$1,324	\$1,324
Supreme Court (111)	0900	\$370,537	\$370,537
Department of Conservation and Recreation (199)	0200	\$111,878	\$111,878
Department of Conservation and Recreation (199)	0900	\$37,175	\$37,175
Department of Game and Inland Fisheries (403)	0900	\$130,208	\$130,208
Marine Resources Commission (402)	0900	\$2,525	\$2,525
Department of Criminal Justice Services (140)	0200	\$56,351	\$56,351
Department of Criminal Justice Services (140)	0900	\$1,153	\$1,153
Department of Fire Programs (960)	0200	\$106,205	\$106,205

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Division of Community Corrections (767)	0900	\$17,156	\$17,156
Department of Aviation (841)	0400	\$79,561	\$79,561
Department of Motor Vehicles (154)	0400	\$3,878,102	\$3,878,102
Department of Rail and Public Transportation (505)	0400	\$740,647	\$740,647
Department of Transportation (501)	0400	\$5,128,092	\$5,128,092
Motor Vehicle Dealer Board (506)	0200	\$16,447	\$16,447
Virginia Port Authority (407)	0200	\$172,599	\$172,599
Virginia Port Authority (407)	0400	\$86,102	\$86,102
Department of Military Affairs (123)	0900	\$11,357	\$11,357
		\$12,287,244	\$12,287,244

2. Following the transfers authorized in paragraph F.1. of this section in the each year, the State Comptroller shall transfer \$2,787,795 each year back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege reinstatement fee revenue.

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G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$657,959,397 the first year and \$666,104,670 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis, or until the amount estimated at \$616,156,022 the first year and \$622,317,582 the second year has been transferred to the Lottery Proceeds Fund. Prior to June 20 of each year, the Virginia Lottery Executive Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the

Amendments to SB 5015 (as Introduced)

public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$5,500,000 the first year and \$5,500,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his

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discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E, on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port Authority \$1,500,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of the General Assembly.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco

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Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,400,000 the first year and \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,864,585 the first year and \$3,864,585 the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.

S. On or before June 30 each year, the State Comptroller shall transfer \$466,600 the first year and \$466,600 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

T. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not

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apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

U.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund.

V. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 354, 406, and 426 of this act, for the purposes enumerated in Section 17.1-275.12.

W. On or before June 30 each year, the State Comptroller shall transfer \$12,518,587 the first year and \$12,518,587 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).

X. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$106,451 the second year.

Y. Any amount designated by the State Comptroller from the June 30, 2020, or June 30, 2021, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby

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appropriated.

Z. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 06200) the balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human Resource Management.

AA. The Department of General Services is authorized to dispose of the following property currently owned by the Department of Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White Post Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government entities. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the properties shall be deposited into the general fund.

BB. The State Comptroller shall transfer all revenues collected each year to the general fund from the Firearms Transaction, Concealed Weapons Permit, and Conservator of the Peace Programs at the Department of State Police.

CC. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund 05220) at the Department of Human Resource Management.

DD. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health Benefits Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health Benefits Payment - LODA Fund (Fund 07422) at the Department of Human Resource Management.

EE. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the Department of Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector General (147).

Amendments to SB 5015 (as Introduced)

FF. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa, Virginia 23410. The Department of Agriculture and Consumer Services, with the recommendation of the Department of General Services, is authorized to grant any easement necessary to facilitate the sale of this portion of the Eastern Shore Farmer's Market. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited to the general fund. Any conveyance shall be approved by the Governor in a manner set forth in § 2.2-1150, Code of Virginia.

GG. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the balances of the Disaster Recovery Fund (Fund 02460) and Covid-19 Addtl State Funding (Fund 02019) at the Virginia Department of Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

HH. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, the first year and an additional \$2,000,000 on or before June 30, the second year from the revenues received from the Communications Sales and Use Tax.

II. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund pursuant to Item 59 of this act is estimated at \$500,000 the first year and \$500,000 the second year.

JJ. On or before June 30, 2021, the State Comptroller shall transfer \$1,000,000 in Speical Funds from the Corrections Special Reserve Fund, pursuant to § 30-19.1:4 of the Code of

Virginia, to the capital planning project authorized in Item C-66, Paragraph G of this act."

Explanation:

(This amendment increases the required net profit transfers from the Alcoholic Beverage Control Authority (ABC) Enterprise Fund to the general fund by \$3.3 million in the first year and \$3.4 million in the second year, based on above-budget alcohol sales.)

Item 3-4.01 #1s

Auxiliary Enterprises and Sponsored Programs in Institutions of Higher Education

Auxiliary Enterprise Investment Yields

Language

Language:

Page 234, line 33, strike "Not set out." and insert:
Amendment drawn to Chapter 1289
Page 610, strike § 3-4.01 and insert:

"§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public Accounts. The State Comptroller shall credit those institutions meeting the requirement with the interest earned by the investment of funds of their auxiliary enterprise programs.

2. The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.

3. Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium as a result of the significant financial impact on auxiliary enterprise programs caused by the COVID-19 pandemic.

4. *Institutions of higher education shall have the authority to use available fund balances from other fund sources, to include educational and general program reserves, to support operations, increased costs or revenue reductions, for auxiliary enterprise programs for the 2020-22 biennium. However, with the exception of transfer payments, education and general program reserves may not be used to directly support intercollegiate athletics. Prior to any*

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fund transfer, non-covered institutions shall notify the Secretary of Finance in writing of their intent and justification for the transfer. The Secretary of Finance has 10 business days to deny the transfer by a notifying institution.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly."

Explanation:

(This amendment modifies existing language to provide temporary flexibility to institutions of higher education.)

Item 4-0.01 #1s

Operating Policies

Operating Policies

Language

Language:

Page 237, strike line 2, and insert:

"§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.
- e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.
- f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more

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Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

- a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;
- b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and
- c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic

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communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

h. Notwithstanding §2.2-1510 B., Code of Virginia, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, during a state of emergency as declared by the Governor, shall hold at least one, but up to four, public hearings, on the budget bill the Governor submits for the 2021 Regular Session and may hold such hearings through electronic means, if deemed necessary, to ensure the safety of all participants."

Explanation:

(This amendment provides flexibility for the Chairs of the House Appropriations and Senate Finance and Appropriations Committees to determine how many budget hearings will be held on the Governor's proposed budget prior to the 2021 Regular Session and if such hearings will be through electronic means. The COVID-19 pandemic may require such hearings to be held online in an electronic format for the safety of all participants involved. This amendment provides temporary flexibility to determine the safest and most appropriate way to hear public comment on the budget during the pandemic.)

Item 4-5.11 #1s

Special Conditions and Restrictions on Expenditures

Seat of Government Traffic and Pedestrian Safety

Language

Language:

Page 238, line 16, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

Page 650, strike section 4-5.11 and insert:

"§ 4-5.11 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The

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rights-of-way so transferred shall be in addition to the 50 miles per year authorized to be transferred under § 33.2-314(A). *The City of Richmond shall transfer fee ownership of the rights-of-way identified in this section to DGS by deed or other instrument, as determined by DGS.*"

Explanation:

(This amendment modifies existing language to address the transfer of rights-of-way having to do with Seat of Government security and resolves conflict between the two, in a companion amendment in Item C-74.)

Item 4-14 #1s

Effective Date

Language

Language:

Page 241, strike lines 21 through 48.
Page 242, strike lines 1 through 6, and insert:

"8. a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in §44-146.16 of the Code of Virginia, no court shall issue a writ of eviction to obtain possession of a dwelling unit, for non-payment of rent or delinquency incurred until January 31, 2021, unless such tenant refuses to apply for rental assistance through the Virginia Rent and Mortgage Relief Program. Such landlords and tenants must also comply with the following.

1. For an Owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. If the tenant fails to pay in full, enter into a written payment

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plan with the landlord, or pay any installment required by the plan, the landlord may not seek a writ of eviction to obtain possession of the dwelling unit after January 31, 2021, subject to the requirements in subsection b, unless such tenant refuses to apply for rental assistance through the Virginia Rent and Mortgage Relief Program, as described in subsection 2 below. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

2. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit. If the tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance, the landlord may take action to obtain possession of a dwelling unit for non-payment of rent or delinquency incurred. If the landlord or the tenant does not receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the landlord may not seek a writ of eviction to obtain possession of the dwelling unit after January 31, 2021, subject to the requirements in subsection b. For any subsequent application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the administrator of the Virginia Rent and Mortgage Relief Program or the administrator of any other federal, state, or local rent relief program shall work diligently to process such application within fourteen days of submission of such application. If the tenant does not qualify for the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, or there are no longer funds available from these sources, then the provisions of this subsection do not apply.

3. Protections herein shall be construed to provide a greater level of public health protection than provided by the Agency Order from the Centers for Disease Control and Prevention dated September 1, 2020, entitled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19.

b. After January 31, 2021, notwithstanding any other provision of law, upon the declaration by

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the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in §44-146.16 of the Code of Virginia, no court shall issue a writ of eviction to obtain possession of a dwelling unit for non-payment of rent or delinquency incurred until such declared state of emergency ends except as follows:

1. For an Owner who owns four or fewer rental dwelling units in the Commonwealth, if rent is unpaid when due and the tenant fails to pay rent within fourteen days after written notice is served on him, pursuant to § 55.1-1202, notifying the tenant of his nonpayment and of the landlord's intention to obtain possession of the premises if the rent is not paid within the fourteen-day period, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3 below.

2. For an Owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. The written notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within fourteen days of receiving the written notice from the landlord, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a written payment plan with the landlord within fourteen days of when the notice is served on him, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3 below. If the tenant enters into a payment plan and, after the plan becomes effective, fails to pay any installment required by the plan within fourteen days of its due date, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice, pursuant to § 55.1-1202, advising the tenant of the landlord's intention to obtain possession of the premises unless the tenant pays the total amount due and owed as stated on the notice within fourteen days of receipt and provided that the landlord complies with subsection 3 below. The option of entering into a payment plan or alternative payment arrangement pursuant to this subdivision may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under

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the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit. If the tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance, the landlord may take action to obtain possession of a dwelling unit for non-payment of rent or delinquency incurred. If the landlord or the tenant does not receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program within forty five days of when the notice is served on the tenant, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. For any subsequent application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the administrator of the Virginia Rent and Mortgage Relief Program or the administrator of any other federal, state, or local rent relief program shall work diligently to process such application within fourteen days of submission of such application. If the landlord or tenant does not receive written approval from the Virginia Rent and Mortgage Relief program or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent application, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant does not qualify for the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, or there are no longer funds available from these sources, then the provisions of this subsection do not apply.

c. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account as “current” in accordance with the Public Law 116-36: Corona Virus Aid, Relief, and Economic Security Act.

d. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent or delinquency incurred, the landlord cannot take any action to obtain

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possession of a dwelling unit for non-payment of rent or delinquency incurred.

e. Nothing in this Section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.

f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to the effective date of this Section; however, the court shall not issue a writ of execution thereunder, following the effective date, unless it complies with the provisions of this Section."

Explanation:

(This amendment replaces the eviction moratorium language included in the Governor's proposed budget, and establishes the terms by which a landlord may evict a tenant for nonpayment. For owners with more than 4 dwelling units, requires that the landlord provide written notice informing the tenant of the total amount due and owed; and inform the tenant that if the tenant provides a signed statement certifying that the tenant has experienced expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan and amortize the amount owed over the lesser of 6 months or the remainder of lease term. If the tenant fails to pay in full, enter into a payment plan, or pay any installment required by the plan, the landlord may proceed to obtain possession of the premises after January 31, 2021, provided certain other conditions are met, including notifying the tenant of the availability of rental assistance. For owners with 4 or fewer dwelling units, if rent is unpaid when due and the tenant fails to pay rent within fourteen days after written notice is served on him, the landlord may proceed to obtain possession of the premises after January 31, 2021, as long as the landlord meets certain other conditions, including notifying the tenant of the availability of rental assistance. The amendment also provides that if a tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance, the landlord can take action before January 31, 2021, to obtain possession of a dwelling unit for non-payment of rent or delinquency incurred.)

Item 4-14 #2s

Effective Date

Effective Date

Language

Language:

Page 241, strike lines 1 through 20 and insert:

"7. a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a

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communicable disease of public health threat as defined in §44-146.16 of the Code of Virginia, electric companies subject to regulation of the State Corporation Commission (“Commission”), natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers (“utilities”) are prohibited from disconnecting service (“moratorium” or “prohibition”) to residential customers for non-payment of bills or fees until the Governor determines that the economic and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after such declared state of emergency ends, whichever is sooner. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection moratorium and the COVID Relief Repayment Plan (“Repayment Plan”) within 60 days after the enactment of this Act, which may be by bill insert or bill notice, with information detailing its Repayment Plan, including eligibility and billing information; and

b. No more than 60 days after the enactment of this Act, the utilities must offer customers a Repayment Plan for past due accounts while such prohibition is in effect that includes, at minimum, the following provisions:

1. The Repayment Plan shall not require any new deposits, down payments, fees, late fees, interest charges, or penalties, nor shall such plan accrue any fees, interest, or penalties, including prepayment penalties;

2. The Repayment Plan shall amortize the repayment of a customer's utility debt over a minimum period of 6 months and up to 24 months for each utility. However, a customer may satisfy the Repayment Plan in part or in full at any time; and

3. The utilities shall not apply eligibility criteria, such as installment plan history, while on the Repayment Plan. However, the utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency.

4. During the disconnection moratorium, if a utility reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan the utility shall report the account as “current” in accordance with the Public Law 116-36: Coronavirus Aid, Relief, and Economic Security Act. Once the disconnection moratorium ends, the utility may resume reporting any default on the Repayment Plan.

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c. Nothing herein shall limit or prevent the utilities or the residential customers from applying or seeking debt relief or mitigation from any available resource, from entering into another payment plan offered by the utility, or from renegotiating the terms of the Repayment Plan. If a utility has established a Repayment Plan program that provides financial assistance to utility customers with funding provided through the CARES Act, or directs customers where to access financial assistance with funding provided through the CARES Act, such utility's customers who are at least 30 days in arrears must seek assistance from these programs in order to reduce the customer's arrearage.

d. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to regulation of the Commission has accounts receivable--- arrearages that exceed 1% of the utility's annual operating revenues, then the utility may obtain relief from this moratorium by filing an informational letter notice with the clerk of the Commission, stating such facts to demonstrate the exceedance and contemporaneously tendering associated workpapers to the staff of the Commission. The Commission staff shall verify the information as filed by the utility and shall file a verification letter with the Clerk of the Commission. The Commission, upon receipt of a favorable verification letter, shall issue a final order within five days. Upon issuance of an order, a utility shall thereafter be exempt from the moratorium provisions of this clause 7.

e. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to this clause 7 but not subject to regulation of the Commission has accounts receivab---le arrearages that exceed 1% of the utility's annual operating revenues, then the utility may obtain relief from this moratorium if (i) the utility provides a written analysis stating such facts to demonstrate the exceedance, (ii) the utility contemporaneously makes available for public inspection associated workpapers verifying such facts, and (iii) the governing body verifies the exceedance, provides public notice, takes public comment on, and votes to approve that the exceedance is accurate in an open public meeting. In the event of an affirmative vote of the utility's governing body, the utility shall thereafter be exempt from the moratorium provisions of this clause 7.

f. The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and prudently incurred implementation costs resulting from a Repayment Plan for electric, gas, water, or wastewater utilities, excluding Phase II utilities, including through a rate adjustment clause or through base rates. The Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual informational filings when assessing the recovery of such costs. The Commission shall also require the utilities subject to regulation by the Commission to submit an annual report on the status of the moratorium and the Repayment Plan, including (a) the number of accounts that are at least 30 days in arrears; (b) the number of accounts that are participating in the

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Repayment Plan, or another repayment plan as set forth by the utility, and (c) the cumulative level of customer arrearages by locality. The Commission shall provide the chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information within three months of the expiration of the prohibition and annually thereafter for the following two years.

g. Utilities not subject to regulation by the Commission shall submit an annual report on the status of the moratorium and the Repayment Plan to the Commission on Local Government, including (a) the number of accounts that are at least 30 days in arrears; (b) the number of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility, and (c) the cumulative level of customer arrearages by locality. The Commission on Local Government shall provide the chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information within three months of the expiration of the prohibition and annually thereafter for the following two years.

h. Within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of September 30, 2020.

1. In the utility's 2021 triennial review, any forgiven amounts shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any forgiven amounts against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

2. Each Phase II Utility shall, no later than December 31, 2020, submit a report to the Governor, the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor, the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this act to forgive customer balances."

Explanation:

(This amendment replaces language in the Governor's introduced budget and provides for a moratorium on utility disconnections for non-payment of bills or fees during a declared state of

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emergency of a communicable disease of public health threat, to include electric companies and natural gas suppliers subject to regulation of the State Corporation Commission (SCC), electric and gas municipal utilities, and water suppliers and wastewater service providers. It also requires utilities to offer customers a COVID Relief Repayment Plan to pay past-due amounts, provides for an exemption from the moratorium for utilities under certain conditions, directs the SCC to allow for the timely recovery of bad debt obligations for utilities, excluding Phase II utilities, directs Phase II utilities to forgive jurisdictional customer debt for those 30 days in arrears as of September 30, 2020, and requires reporting by regulated and non-regulated utilities on the status of the moratorium and the Repayment Plan to the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade.)

Item 4-14 #3s

Effective Date

Effective Date

Language

Language:

Page 242, after line 6, insert:

"9. The following provisions of law shall become effective on November 15, 2020, contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in November 2020, establishing the Virginia Redistricting Commission by amending Section 6 of Article II and adding in Article II a new section numbered 6-A. If such amendment is not approved by the voters, these provisions of law shall not become effective.

§ 30-391 – Virginia Redistricting Commission

A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year 2020 and every 10 years thereafter for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly.

B. As used in this chapter:

"Census data" means the population data received from the United States Bureau of the Census pursuant to P.L. 94-171.

"Commission" means the Virginia Redistricting Commission established pursuant to this chapter.

"Committee" means the Redistricting Commission Selection Committee established pursuant to §30-393.

"Partisan public office" means (i) an elective or appointive office in the executive or legislative

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branch or in an independent establishment of the federal government; (ii) an elective office in the executive or legislative branch of the government of the Commonwealth, or an office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an office of a county, city, or other political subdivision of the Commonwealth that is filled by an election process involving nomination and election of candidates on a partisan basis.

"Political party office" means an elective office in the national or state organization of a political party, as defined in § 24.2-101.

§ 30-392. Membership; terms; vacancies; chairman; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and eight citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two commissioners shall be members of the House of Delegates, representing the political party having the next highest number of members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be selected by the Redistricting Commission Selection Committee pursuant to § 30-394.

B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective authorities no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed. In making its appointments, the appointing authorities shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of the Commission is maintained.

C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the Redistricting Commission Selection Committee as provided in § 30-394. In making its selections, the Committee shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30-394 from which the commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least one commissioner representing or affiliated with each political party.

D. Legislative commissioners shall receive such compensation as provided in § 30-19.12, and citizen commissioners shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in

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the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments shall come from existing appropriations to the Commission.

E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the citizen commissioners, shall constitute a quorum.

F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission shall not communicate with any person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or hearing. Written public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the Commission shall not be a violation of this subsection.

H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be considered the client of the lawyer or the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer or the law firm.

§ 30-393. Redistricting Commission Selection Committee; chairman; quorum; compensation and expenses.

A. There shall be a Redistricting Commission Selection Committee established for the purpose of selecting the citizen commissioners of the Virginia Redistricting Commission. This committee shall consist of five retired judges of the circuit courts of Virginia.

B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and no retired judge who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly shall be included in such list. In compiling this list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. These members shall each select a judge from the list and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic, and gender diversity of

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the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the chairman of the Committee.

A majority of the Committee members, which majority shall include the chairman, shall constitute a quorum. The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for any reason, complete his term, the remaining judges shall select a replacement from the list prescribed herein.

C. Members of the Committee shall receive compensation for their services and shall be allowed all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2- 2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses of the Committee shall be provided from existing appropriations to the Commission.

D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394.

E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-394. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

The application for service on the Commission shall require applicants to provide personal contact information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. The application shall require an applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and community organizations and causes.

The application shall require an applicant to disclose information regarding the partisan activities and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the period of three years immediately preceding the application period.

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

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The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

1. Holds, has held, or has sought partisan public office or political party office;
2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;
3. Is employed by or has been employed by any federal, state, or local campaign;
4. Is employed by or has been employed by any political party or is a member of a political party central committee;
5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or
6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning date. During this period, interested persons shall submit a completed application and any required documentation to the Division of Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

The Division of Legislative Services shall make available the application for persons to use when submitting a paper application and shall provide electronic access for electronic submission of applications.

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and the Division of Legislative Services shall promptly provide to

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the Committee the applications and documentation for each citizen candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public records.

F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. In making its selections, the Committee shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their selection to serve as a citizen commissioner of the Commission.

No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-395. Staff to Virginia Redistricting Commission; census liaison.

A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to it by the Commission. The Director of the Division of Legislative Services, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division of Legislative Services shall maintain the current election district and precinct boundaries of each county and city as a part of the Commission's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division of Legislative Services.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.

§ 30-396. Public participation in redistricting process.

A. All meetings and hearings held by the Commission shall be adequately advertised and planned to ensure the public is able to attend and participate fully. Meetings and hearings shall

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be advertised in multiple languages as practicable and appropriate.

B. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in different parts of the Commonwealth in order to receive and consider comments from the public.

C. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available to the general public and shall be used to disseminate information about the Commission's activities. The website shall be capable of receiving comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed plan, the Commission shall publish the proposed plans on the website.

D. All data used by the Commission in the drawing of districts shall be available to the public on its website. Such data, including census data, precinct maps, election results, and shapefiles, shall be posted within three days of receipt by the Commission."

Page 242, line 9, after "fifth" insert "and ninth" and strike "enactment" and insert "enactments".

Explanation:

(This amendment provides for the implementation of the constitutional amendment establishing the Virginia Redistricting Commission, effective November 15, 2020, contingent upon the passage of the amendment by voters on the Tuesday after the first Monday in November 2020.)
