

Conference Report to House Bill 5005

Item 0 #1c

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	(\$1,284,491,604)	\$29,850,000	(\$1,254,641,604)
Official Revenue Estimates	\$21,353,132,509	\$22,185,484,514	\$43,538,617,023
Transfers	\$610,436,934	\$612,358,189	\$1,222,795,123
Total General Fund Resources			
Available for Appropriation	\$23,553,136,638	\$22,827,692,703	\$46,380,829,341".

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	\$39,404,473,571	\$39,604,200,895	\$79,008,674,466
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	\$2,489,504,162	\$195,123,500	\$2,684,627,662
Total Nongeneral Fund Revenues			
Available for Appropriation	\$52,263,423,367	\$42,697,290,173	\$94,960,713,540
TOTAL PROJECTED REVENUES	\$75,816,560,005	\$65,524,982,876	\$141,341,542,881".

Explanation:

(This amendment includes the general fund and nongeneral fund revenue adjustments contained in the cumulative amendments included in the Conference Report.)

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Item 50 #1c

Judicial Department	FY20-21	FY21-22	
Virginia State Bar	\$2,000,000	\$2,000,000	NGF

Language:

Page 8, line 32, strike "\$14,921,912" and insert "\$16,921,912".

Page 8, line 32, strike "\$14,921,912" and insert "\$16,921,912".

Page 8, set out Item 50.

Item 50, strike Paragraph B.2.

Item 50, after Paragraph B.1., insert:

"2. The amounts for Indigent Defense, Civil, include up to \$7,125,000 the first year and up to \$7,125,000 the second year from the general fund and \$2,000,000 the first year and \$2,000,000 the second year from nongeneral funds to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice."

Explanation:

(This amendment provides a \$2.0 million appropriation each year from nongeneral funds for additional eviction attorneys for the Virginia State Bar.)

Item 57 #1c

Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$69,299 1.00	\$138,599 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 "\$37,202,602".

Page 10, line 42, strike "Not set out." and insert:

Amendment drawn to Chapter 1289

"Legal Advice (32000)	\$37,064,003 \$37,133,302	\$37,064,003 \$37,202,601
State Agency/Local Legal Assistance and Advice (32002)	\$37,064,003 \$37,133,302	\$37,064,003 \$37,202,601

Fund Sources:

General	\$23,169,033 \$23,238,332	\$23,169,033 \$23,307,631
Special	\$12,644,138	\$12,644,138

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Federal Trust	\$1,250,832	\$1,250,832
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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.
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

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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 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 Chairs of the House Appropriations and Senate Finance and Appropriation 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 from the general fund the first year and \$138,599 from the general fund 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 House Bill 5051 and Senate Bill 5030 of the 2020 Special Session I.)

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Item 57 #2c

Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	\$479,423 8.00	GF FTE

Language:

Page 10, line 42, strike "\$37,064,003" and insert "\$37,543,426".

Explanation:

(This amendment provides funding of \$479,423 from the general fund and 8.0 FTE positions in the second year related to the provisions of House Bill 5148/Senate Bill 5034 of the 2020 Special Session I.)

Item 61 #1c

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 from the general fund the first year and \$229,418 from the general fund the second year and 2.0 FTE positions to implement the

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provisions of Senate Bill 5024, of the 2020 Special Session I, as passed the 2020 Special Session I.)

Item 69 #1c

Administration	FY20-21	FY21-22	
Compensation Board	\$0	(\$2,550,000)	GF

Language:

Page 12, line 6, strike "\$59,199,386" and insert "\$56,649,386".

Explanation:

(This amendment reflects the per diem savings for an anticipated reduction in state-responsible offenders resulting from the earned sentence credit provisions of House Bill 5148/Senate Bill 5034, of the 2020 Special Session I.)

Item 79 #1c

Administration

Department of General Services	Language
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Language:

Page 15, line 19, after "I.", strike "The" and insert:

"Notwithstanding the provisions of Acts of Assembly 1889 chapter 24, which is hereby repealed, the".

Explanation:

(This amendment updates language for the Department of General Services pertaining to the storage and removal of the Robert E. Lee Statue.)

Item 83 #1c

Administration

Department of Human Resource Management	Language
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Language:

Page 16, after line 2, insert:

"M. The Director of the Department of Human Resource Management shall communicate to all executive branch agencies the requirement that all employees with state email addresses and state phone numbers to include contact information in their email signature, which shall include,

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at a minimum, an office phone number and/or state cell phone number."

Explanation:

(This amendment seeks to improve government accessibility as employees continue to telework during the COVID-19 pandemic. Upon enrolling Item 83 will be set out and enrolled appropriately.)

Item 84 #1c

Administration

Administration of Health Insurance

Language

Language:

Page 16, after line 3, insert:

"The Department of Human Resource Management (DHRM) shall work with the Joint Legislative Audit and Review Commission (JLARC) to enable the private actuarial firm that contracts with JLARC, to perform a peer review of the actuarial calculations used for the State Health Insurance Program. The review shall (1) review the reasonableness of actuarial methods, and accuracy of reports produced by the actuary; (2) assess the data and methods used to establish rates; (3) review and comment on actuarial models used to estimate the impact of plan changes, develop rates and budget projections, and monitor claims experience; and (4) provide recommendations concerning the appropriate target level of cash balances for the fund. DHRM shall reimburse JLARC for expenses incurred in the review from the balances in the health insurance fund. JLARC shall report the findings by September 30, 2021."

Explanation:

(This amendment directs DHRM to work with JLARC and their actuary to perform a peer review of the assumptions used to set rates for the State Employee Health Insurance Plan and balances maintained in the Health Insurance Fund (HIF).)

Item 86 #1c

Administration

Department of Elections

FY20-21

(\$2,000,000)

FY21-22

\$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.

Page 18, strike lines 1 through 3.

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Explanation:

(This amendment removes duplicative funding and language related to the 2020 general and special elections. Chapter 1, 2020 Special Session I, Acts of Assembly, amended Chapter 1289, 2020 Acts of Assembly, to provide \$2.0 million from the general fund 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 111 #1c

Commerce and Trade

Secretary of Commerce and Trade

Language

Language:

Page 23, after line 3, insert:

"E.1. The Commonwealth's Chief Workforce Advisor to the Governor shall convene a workgroup to review the Commonwealth's state public works payment process to contractor employees to identify whether misclassification of workers is a prevalent problem. If the findings reveal such misclassification, the workgroup shall identify and make process improvement recommendations to correct any identified issues.

2. The workgroup shall consist of the Commonwealth's Chief Workforce Advisor to the Governor, Secretary of Finance, Secretary of Administration, and Secretary of Commerce and Trade, or their designees, staff from the House Appropriations and Senate Finance and Appropriations Committees, representatives from Virginia public colleges and universities and state agencies, two representatives from labor organizations that can bring forth to the workgroup documented situations where such misclassification has occurred on Commonwealth public work projects, two representatives from the general contractor business community with experience in providing construction services to the Commonwealth, and representatives from the Department of General Services, Department of Small Business and Supplier Diversity, Department of Labor and Industry, and Department of Taxation. The membership of this workgroup shall not exceed 20 individuals.

3. The Chief Workforce Advisor shall report initial findings and recommendations to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee no later than December 15, 2020. A final report to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee will be submitted no later than April 15, 2021."

Explanation:

(This amendment creates a workgroup to review the Commonwealth's state public works payment process to contractor employees. Upon enrolling Item 111 will be set out and enrolled appropriately.)

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Item 112 #1c

Commerce and Trade	FY20-21	FY21-22	
Economic Development Incentive Payments	(\$3,000,000) (\$630,000)	(\$3,000,000) (\$261,000)	GF 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:

~~"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."~~

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.)

Item 112 #2c

Commerce and Trade	FY20-21	FY21-22	
Economic Development Incentive Payments	(\$2,776,800)	(\$436,800)	GF

Language:

Page 23, line 5, strike "\$77,898,533" and insert "\$75,121,733".

Page 23, line 5, strike "\$55,528,283" and insert "\$55,091,483".

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

"B.1. Out of the appropriation for this item, ~~\$5,223,700~~ \$4,946,900 the first year and ~~\$4,978,700~~ \$4,541,900 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."

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

"L. 1. Out of the appropriation in this item, ~~\$3,230,000~~ \$730,000 the first year and \$2,993,750 the second year from the general fund shall be deposited to a special, nonreverting fund for the 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."

Explanation:

(This amendment postpones planned economic development incentive payments as a result of project delays caused by the COVID-19 pandemic and updated performance data. Upon enrolling, Item 112 will be set out and enrolled appropriately.)

Item 113 #1c

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 24, line 44, after "E." insert "1."

Page 24, line 45, after "pandemic" strike "." and insert:

", with the exception of monies provided for the continuation of the Virginia Rent and Mortgage Relief Program in paragraph E.2.

2. Out of the amounts appropriated in paragraph E.1., \$12,500,000 in the first year from the general fund is hereby designated to continue the Virginia Rent and Mortgage Relief Program when monies allocated from the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) expire. In addition to the amounts designated in this paragraph, it is the intent of the General Assembly that the Department use additional funds, if necessary, from the amounts appropriated in paragraph E.1. to sustain the Virginia Rent and Mortgage Relief Program, during the declared state of emergency pursuant to § 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia."

Page 24, line 46, strike "2" and insert "3".

Page 24, after line 52, insert:

"4.a. In administering the funds appropriated in paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance

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to cover one-hundred percent of current and past due rent included in the application for rental assistance. The financial assistance supported with funds in paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program shall cover the period between April 1, 2020 and expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

b. In administering the funds appropriated in paragraph E.2. of this item for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance to cover one-hundred percent of current and past due rent included in the application for rental assistance. At such time the general funds provided in paragraph E.2. of this item are deployed, the Department may allow for financial assistance to be used to cover past due rent accumulated prior to April 1, 2020.

c. Landlords and tenants shall be able to access the funds appropriated in paragraph E.2. of this item and paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program."

Explanation:

(This amendment designates \$12.5 million from the general fund in the first year for the continuation of the Virginia Rent and Mortgage Relief Program in 2021. The program is currently funded with federal Coronavirus Relief Funds, which expire December 31, 2020. It further directs the Department to use additional resources from the Housing Trust Fund to sustain the Virginia Rent and Mortgage Relief Program during the current state of emergency, if necessary. The amendment also outlines policies that will allow for broader deployment of the resources provided for the Virginia Rent and Mortgage Relief Program.)

Item 114 #1c

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 28, after line 32, insert:

"5. The Broadband Advisory Council shall assess updating the Virginia Telecommunication Initiative (VATI) to allow for public broadband authorities to apply directly for VATI funds without investment from the private sector. The Department of Housing and Community Development on behalf of the Council shall submit feedback on the potential impacts of this policy change to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before the start of the 2021 General Assembly Session."

Explanation:

(This amendment directs the Broadband Advisory Council to review a policy change for the

Virginia Telecommunication Initiative.)

Item 127 #1c

Commerce and Trade

Department of Professional and Occupational Regulation

Language

Language:

Page 32, line 1, strike "Not set out." and insert:

"D. The Secretaries of Commerce and Trade and of Health and Human Resources, the Department of Professional and Occupational Regulation, the Virginia Department of Health, and the Board for Barbers and Cosmetology shall work with stakeholders to update the COVID-19 Phase 3 or later Personal Care and Personal Grooming Services guidelines no later November 1, 2020, to authorize any individual licensed to practice under Chapter 7 of Title 54.1 of the Code of Virginia to temporarily remove a customer's nose and face covering during such time that it must be removed in order to provide a service effectively and safely. The guidelines may require enhanced safety precautions in the absence of a customer face covering, including requiring the licensee to wear a face shield and/or utilize some other similar barrier."

Explanation:

(This amendment adds language to enable professions regulated by the Board for Barbers and Cosmetology to provide services that require the removal of a facial covering, safely. Currently, 45 other states have implemented similar guidelines that modify requirements for facial coverings in order for services, such as facials to be performed in a safe and effective manner. Upon enrolling, Item 127 will be set out and enrolled appropriately.)

Item 128 #1c

Commerce and Trade

Department of Small Business and Supplier Diversity

Language

Language:

Page 32, line 3, strike "Not set out." and insert:

"C.1. Out of the amounts in this item, \$819,753 the first year and \$819,753 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1 of each year.

2. In administering the funds allocated in paragraphs B.1. and B.2. of Item 479.10 of this act for

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the Rebuild Virginia Grant program, the Department shall reexamine its program eligibility criteria and maximum grant award to ensure deployment of funds prior to the expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136). At a minimum, the Department shall expand the eligibility criteria to include small businesses: that have already received CARES Act funding from any federal, state, regional or local agency or authority, meet the small business definition of § 2.2-1604 of the Code of Virginia, and are Virginia-based recreation and related tourism small businesses."

Explanation:

(This amendment provides guidance to the Department of Small Business and Supplier Diversity on the deployment of funds provided for the Rebuild Virginia program. Upon enrolling, Item 128 will be set out and enrolled appropriately.)

Item 131 #1c

Commerce and Trade

Virginia Employment Commission

Language

Language:

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

"G. The Virginia Employment Commission shall establish and maintain one dedicated full-time customer service position responsible for investigating and responding to legislative inquiries."

Explanation:

(This amendment directs the VEC to establish and maintain a position that will be responsible for investigating and responding to legislative inquiries. Upon enrolling, Item 131 will be set out and enrolled appropriately.)

Item 135 #1c

Commerce and Trade

FY20-21

FY21-22

Virginia Innovation Partnership
Authority

\$20,000,000

\$0 NGF

Language:

Page 33, line 35, strike "\$25,700,000" and insert "\$45,700,000".

Explanation:

(This amendment reflects \$20 million of nongeneral fund resources appropriated during the

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2020 General Assembly Session. This is a technical amendment. Upon enrolling, Item 135 will be set out and enrolled appropriately.)

Item 135 #2c

Commerce and Trade

Virginia Innovation Partnership Authority

Language

Language:

Page 33, line 35, strike "Not set out." and insert:

"Q. Until such time the VIPA Board of Directors is fully appointed, the President and CEO of the Authority's managing nonprofit, the Center for Innovative Technology shall have the authority to approve the funds provided for centers of excellence in this item. Centers of Excellence include Virginia Center for Unmanned Systems, Virginia Biosciences Health Research Corporation, Commonwealth Center for Advanced Manufacturing, and Commonwealth Cyber Initiative."

Explanation:

(This amendment ensures the funding approved by the 2020 General Assembly for the Centers of Excellence (the Centers) under the Virginia Innovation Partnership Authority (VIPA) can be distributed to the Centers during the establishment of VIPA's Board of Directors. This is a technical amendment. Upon enrolling, Item 135 will be set out and enrolled appropriately.)

Item 135 #3c

Commerce and Trade

FY20-21

FY21-22

Virginia Innovation Partnership
Authority

\$5,000,000

\$0 NGF

Language:

Page 33, line 35, strike "\$25,700,000" and insert "\$30,700,000".

Page 33, line 35, strike "Not set out." and insert:

"K.1. Out of the appropriation in this item, \$3,750,000 the first year and \$3,750,000 the second year from the general fund *and \$5,000,000 the first year from nongeneral funds* shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Department of Planning and Budget is

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authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Department of Planning and Budget by VBHRC.

2. Of the amounts provided in K.1. for the research consortium, up to \$3,750,000 the first year and \$3,750,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.

3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.

4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.

5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.

6. VHBRC, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA by October 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.

7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.

8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 32.1-162.23, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.

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9.a. The VBHRC shall administer a one-time grant program designed to support the acceleration of clinical testing of a therapeutic drug that treats clinical symptoms caused by COVID-19. VBHRC shall consult with subject matter experts in the healthcare industry or academia to develop criteria for awarding funds provided in paragraph P.3. of this item. At a minimum, these criteria must include: (i) the company was founded in and is headquartered in Virginia; and (ii) the company is actively conducting a Phase 1 or Phase 2 clinical trial of a therapeutic drug approved by the United States Food and Drug Administration ("FDA") to treat life-threatening symptoms caused by COVID-19. In awarding these funds, the board of directors of the VBHRC may waive the requirements that (i) two of the participating institutions are actively and significantly involved in collaborating on the research, and (ii) funding be matched at least dollar-for-dollar by funding provided by private entities, foundations and other governmental sources.

b. In awarding these funds, VBHRC may, in consultation with the President and CEO of the Virginia Innovation Partnership Authority's managing nonprofit, the Center for Innovative Technology, and individuals with investment expertise in the area of pharmaceutical drug development: (i) require the grantee to offer to conduct subsequent clinical trials of its drug in hospitals located in Virginia, provided the hospitals have the capacity to participate in the trial in a timely manner that is consistent with and does not delay the company's clinical trial schedule; (ii) require the grantee to give a preference to qualified Virginia pharmaceutical manufacturers for production of the grantee's COVID-19 therapeutic drug, provided the manufacturers have the capacity to produce the drug in a timely manner that is consistent with and does not delay the company's production schedule; and, (iii) seek a reasonable amount of equity interest in the grantee company in return for the grant."

Page 33, line 35, strike "Not set out." and insert:

"P.1. Out of the amounts transferred to the Authority as a result of actions taken pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$10,000,000 the first year shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.

2. Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to scale the Commonwealth Cyber Initiative (CCI) for activities at the Hub, Virginia Polytechnic Institute and State University, and Node sites and \$5,000,000 the first year shall be allocated for the leasing of space and establishment of the Hub by the anchoring institution.

3. *Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to the Virginia Biosciences Health Research Cooperation to administer the program outlined in paragraph K.9. of this item. The funds provided in this paragraph shall be transferred to the Virginia Biosciences Health Research Cooperation within 30 days of the*

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passage of this act.

~~3.~~ 4. Excluding the amounts in paragraph P.1., ~~and P.2., and P.3.~~ of this item, any additional funds transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly may be used: (1) to enable the establishment of a fund of funds that will permit the Commonwealth to invest in one or more syndicated private investment funds; (2) to enhance direct investment programs by placing additional investments in partnership with Virginia accelerators and university technology commercialization programs; and (3) to enable the establishment of a sustainable program to enhance discovery of, and early investment in, technologies aligned with the Virginia Innovation Index. Decisions to invest in private funds shall be subject to approval by the Board of Directors. Investments in such funds shall be monitored by the Board of Directors."

Explanation:

(This amendment provides \$5 million in the first year from the nongeneral fund to accelerate the research and development of therapeutic drug treatments for COVID-19. Upon enrolling, Item 135 will be set out and enrolled appropriately.)

Item 141 #1c

Education

Department of Education, Central Office Operations

Language

Language:

Page 35, after line 8, insert:

"E. Virginia Initiative to Support Internet Outside of School Networks (VISION) program. To support technology needs and internet access for virtual learning as a result of extended school closures and modified school schedules through the VISION program, \$26,900,000 in federal relief funds are provided from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), including \$18,000,000 in Governor's Education Emergency Relief (GEER) funds previously announced for this purpose and \$8,900,000 in GEER funds previously announced to support longer-term internet access initiatives."

Explanation:

(This amendment redirects \$8.9 million in federal Governor's Education Emergency Relief funds that had previously been announced to be used to support longer-term internet access initiatives to provide a total of \$26.9 million to support school divisions with shorter-term virtual learning needs. It is the intent of the General Assembly that this item be set out during enrolling.)

Item 144 #1c

Education

Direct Aid to Public Education

Language

Language:

Page 36, line 3, set out Item 144.

Item 144, after Paragraph G.3, insert:

"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 Appropriations and Education and Health."

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 #1c

Education

Direct Aid to Public Education

Language

Language:

Page 49, after line 13 insert:

"5) Notwithstanding any other provision in statute or in this item, to provide temporary flexibility in the first year, school divisions may elect to use textbook payments to address costs incurred as a result of reopening schools that were closed due to the COVID-19 pandemic or to support virtual learning needs in school divisions that have not fully reopened to in-person instruction. Such costs may include, but are not limited to cleaning supplies, personal protective equipment, reduced class sizes to meet social distancing guidelines, technology needs and internet access. No local match is required to receive these state funds in the first year only and such local match shall be excluded from the determination of required local effort in the first year pursuant to Item 145.B.8. of this act, and § 22.1-97, Code of Virginia."

Explanation:

(This amendment permits school divisions to use textbook payments in the first year to address costs of providing virtual instruction or reopening schools to in-person instruction, and waives local match requirements for these funds in the first year.)

Item 145 #2c

Education

Direct Aid to Public Education

Language

Language:

Page 47, after line 19, insert:

"30. In the first year only, the Department of Education shall not reduce semi-monthly payments to school divisions due to mid-year adjustments to ADM projections. Semi-monthly payments occurring after the final calculation of March 31 ADM shall be adjusted to address changes in membership that occur throughout the school year. It is the intent of the General Assembly that this is a one-time action to address fluctuating enrollment resulting from the COVID-19 emergency."

Explanation:

(This amendment delays reductions to state payments resulting from reduced ADM projections until after the final March 31 ADM is calculated. Normally, state payments to school divisions are adjusted in January to reflect revised ADM projections, which are based in part on

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September 30 membership counts. This amendment would prevent school divisions from experiencing any reductions in state payments until after the final calculation of March 31 ADM.)

Item 145 #3c

Education	FY20-21	FY21-22
Direct Aid to Public Education	\$95,227,730	\$0 NGF

Language:

Page 36, line 5, strike "\$7,732,305,702" and insert "\$7,827,533,432".

Page 38, after line 20 insert:

	"FY 2021	FY 2022
COVID-19 Local Relief Payments	\$95,227,730	\$0".

Page 73, after line 27 insert:

"43. COVID-19 Local Relief Payments

a. This item includes an appropriation estimated at \$95,227,730 in the first year from the COVID-19 Relief Fund established in § 22.1-115.1 of the Code of Virginia to be distributed to school divisions as COVID-19 Local Relief payments in support of the Standards of Quality. Local governing bodies shall appropriate these funds to school divisions in the same manner in which they appropriate sales tax revenues dedicated to public education.

b. This local relief payment represents the net increase in the estimated amounts of the local share of Basic Aid costs from the amount estimated in Chapter 1289, 2020 Acts of Assembly, to the amount estimated in House Bill 5005 and Senate Bill 5015, as introduced for the 2020 Special Session I, and shall be distributed to school divisions based on this methodology.

c. For the purposes of calculating Required Local Expenditure as defined in this item, this local relief payment will be counted as a credit toward the local share of the costs of the Standards of Quality in the first year.

d. It is the intent of the General Assembly to update this local relief payment based on any subsequent increases to the Sales Tax estimates approved by the General Assembly and included in this item."

Explanation:

(This amendment provides \$95.2 million the first year from the COVID-19 Relief Fund, established in § 2.2-115.1 of the Code of Virginia, to be disbursed to school divisions as COVID-19 Local Relief payments in support of the Standards of Quality. These one-time payments will be distributed to school divisions based on the net reduction of state funds apportioned to school divisions in the Appropriation Act introduced at the 2020 Special Session

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I from those apportioned in Chapter 1289, 2020 Acts of Assembly. These funds would be counted as a credit toward the local share of the costs of the Standards of Quality in the first year.)

Item 152 #1c

Education

State Council of Higher Education for Virginia

Language

Language:

At the end of Item 152, insert:

"T. During the 2020-2022 biennium, the Council shall coordinate (i) the dissemination to the institutions the measures of financial status included in the most recent Auditor of Public Accounts Higher Education Comparative Report, and (ii) collection of institutions' resulting financial sustainability reviews and possible action plans, to include if warranted discussion of a full range of potential structural options to improve long-term financial health. The six-year plan review group identified under § 23.1-306 shall review such submissions."

Explanation:

(This amendment directs SCHEV to disseminate to institutions certain comparative financial measures and to collect financial sustainability reviews and action plans, for review in addition to on-going existing six-year plans.)

Item 214 #1c

Higher Education

Virginia Commonwealth University

Language

Language:

Page 85, after line 34, insert:

"3. Funding designated in paragraphs D.1. and D.2. of this item are intended as a pass-through payment to support the Center on Aging and dementia-related research by investigators throughout the Commonwealth. These funds shall be exempt from supplantation assessment or other budget management plans at Virginia Commonwealth University."

Explanation:

(This amendment clarifies that funding for the Center on Aging is exempt from budget management plans proposed to or implemented by Virginia Commonwealth University.)

Item 221 #1c

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Higher Education	FY20-21	FY21-22
Virginia Community College System	\$2,000,000	\$0 GF

Language:

Page 86, line 31, strike "\$119,054,661" and insert "\$121,054,661".

Page 86, after line 22, insert:

"B. 1. Funding in this item shall be allocated for the Virginia Guaranteed Assistance Program, the Commonwealth Award and need-based student financial assistance for industry-based certifications or related programs that do not qualify for other sources of student financial assistance.

2. *Out of this appropriation, \$2,000,000 the first year from the general fund is designated for students enrolled in eligible workforce programs at the Virginia Community College System and Richard Bland College in partnership with the VA Ready program. This partnership leverages private resources in order to assist Virginians unemployed as a result of the COVID-19 pandemic to earn credentials in high demand fields."*

Explanation:

(This amendment provides additional state support for workforce programs at the VCCS and Richard Bland College that partner with VA Ready in certain eligible fields to earn credentials. The program leverages private support to enable Virginians unemployed as a result of the COVID-19 pandemic to earn credentials in high demand fields.)

Item 247 #1c

Other Education	FY20-21	FY21-22
The Library Of Virginia	\$1,000,000	\$0 GF

Language:

Page 91, line 43, strike "\$18,233,584" and insert "\$19,233,584".

Page 91, after line 43, insert:

"D. Out of this appropriation, \$1,000,000 from the general fund in the first year is designated to provide aid to local libraries to expand broadband access to support Virginia families in virtual learning and job search assistance efforts. The State Library shall allocate these funds to localities to expand local wi-fi and mobile hotspots."

Explanation:

(This amendment provides general fund support for aid to local libraries. The funding would be used to provide broadband access to citizens, job search assistance, and a virtual learning environment for students and educators.)

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Item 262.80 #1c

Higher Education	FY20-21	FY21-22
Maintain Affordable Access	\$60,000,000	\$0 GF

Language:

Page 98, after line 25, insert:

"§ 1-82.60 MAINTAIN AFFORDABLE ACCESS (XXX)

262.80 Education and General Program (10000)	\$60,000,000	\$0
Fund Sources: General	\$60,000,000	\$0 "

Page 98, after line 25, insert:

"Authority: Discretionary Inclusion

A. Out of this appropriation, \$60,000,000 the first year from the general fund is designated to maintain affordable access to public colleges and universities. Allocations from this item are as follows:

Institution	FY 2021 Allocation
Christopher Newport University	\$2,400,000
College of William and Mary	3,500,000
James Madison University	5,700,000
Longwood University	1,500,000
University of Mary Washington	3,300,000
Norfolk State University	2,000,000
Radford University	4,900,000
University of Virginia	3,000,000
University of Virginia's College at Wise	1,000,000
Virginia Commonwealth University	10,000,000
Virginia Military Institute	1,000,000
Virginia Polytechnic Institute & State University	4,000,000
Virginia State University	1,700,000
Richard Bland College	1,000,000
Virginia Community College System	15,000,000
Total	\$60,000,000

B. Institutions may use these funds to support operations, enhance financial aid, or for other purposes to address the impact of the COVID-19 pandemic."

Explanation:

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(This amendment provides general funds to support public colleges and universities to maintain affordable access to the institutions.)

	Item 274 #1c	
Finance	FY20-21	FY21-22
Department of Accounts Transfer Payments	\$0	(\$89,027,631) GF

Language:

Page 99, line 15, strike "\$89,027,631" and insert "\$0".
Page 99, strike lines 34 through 39.

Explanation:

(This amendment eliminates \$89.0 million from the general fund included in the introduced budget in fiscal year 2022 for the estimated required fiscal year 2024 deposit into the Rainy Day Fund. The deposit, which will be calculated based on fiscal year 2022 actual revenues, is not made until fiscal year 2024. The \$89.0 million funding is being redirected to a companion amendment which deposits \$89.0 million into the Revenue Reserve Fund in fiscal year 2021 to increase the Commonwealth's cash balances and ensure greater financial flexibility. Language included in Item 275 allows for the transfer of amounts from the Revenue Reserve Fund to the RDF if required to meet any Constitutionally-mandated deposit.)

	Item 275 #1c	
Finance	FY20-21	FY21-22
Department of Accounts Transfer Payments	\$89,027,631	\$0 GF

Language:

Page 99, line 40, strike "\$0" and insert "\$89,027,631".
Page 99, after line 40, insert:

"Notwithstanding any contrary provision of law, there is hereby appropriated in this item \$89,027,631 from the general fund the first year and \$300,000,000 from the general fund the second year to the Revenue Reserve established pursuant to § 2.2-1831.2, Code of Virginia, to mitigate any potential revenue or transfer shortfalls that may arise during the biennium. Notwithstanding any contrary provision of law, these amounts may be transferred to the Revenue Stabilization Fund to meet any Constitutionally-mandated deposit required based on revenue growth in either year of the fiscal year 2020-2022 biennium."

Explanation:

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(This amendment provides a \$89.0 million deposit in the Revenue Reserve Fund in fiscal year 2021 to increase the Commonwealth's cash balances to provide increased financial flexibility to safeguard against any additional revenue decreases.)

Item 292 #1c

Health and Human Resources

Children's Services Act

Language

Language:

Page 108, line 5, strike "Not set out."

Page 108, after line 5, insert:

"N. Any 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, pursuant to an individualized education plan, serving students with disabilities, shall continue to pay a daily or monthly rate for the 2020-21 school year, but may adjust the rate to account for virtual or distance learning provided by a private school to a rate that is commensurate with the level of service being provided, 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 and the private school is providing services to the student, including virtual."

Explanation:

(This amendment adds language requiring continued payment for services of private day schools provided to students with disabilities if such services are still required by the student's individualized education plans and the private school provides remote learning or telehealth services during the 2020-21 school year, however the rates may be adjusted commensurate with the level of services being provided. Item 292 will be set out upon enrolling of the budget bill.)

Item 299 #1c

Health and Human Resources

Department of Health

Language

Language:

Page 109, after line 3, insert:

"I. The Department of Health shall convene a work group, which shall include the Commonwealth's Chief Diversity, Equity, and Inclusion Officer and representatives of the Office of Health Equity of the Department of Health, the Department of Emergency Management, and such other stakeholders as the department shall deem appropriate and which may be an existing work group or other entity previously convened for a related purpose, to (i) evaluate the methods by which vaccines and other medications necessary to treat or prevent the

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spread of COVID-19 are made available to the public, (ii) identify and develop a plan to implement specific actions necessary to ensure such vaccines and other medications are equitably distributed in the Commonwealth to ensure all residents of the Commonwealth are able to access such vaccines and other medications, and (iii) make recommendations for any statutory, regulatory, or budgetary actions necessary to implement such plan. The Department shall make an initial report on its activities and any findings to the Chairs of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2020, and shall report monthly thereafter."

Explanation:

(This amendment directs the Virginia Department of Health to convene a work group to examine and develop a plan to ensure that vaccines and other medications to treat or prevent the spread of COVID-19 are equitably distributed in the Commonwealth. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 299 #2c

Health and Human Resources

Department of Health

Language

Language:

Page 109, after line 3, insert:

"I. The Virginia Department of Health shall review and update their data collection and reporting protocols for COVID-19 or other infectious disease data to report actual deaths not an extrapolated projection of deaths."

Explanation:

(This amendment adds language directing the Virginia Department of Health (VDH) to report actual deaths in their COVID-19 or other infectious disease data collection and reporting protocols. This will ensure that when VDH provides the public with reporting on any infectious diseases (i.e. flu, COVID-19, etc.) that it is reported in a manner that can be easily understood by citizens who do not have a degree in statistical modeling or a doctorate in epidemiology. If VDH is already reporting using a statistical model from a federal center, such as the Centers for Disease Control and Prevention, that reporting may continue, but VDH must also report, in clear unambiguous terms, the actual deaths directly related to each disease. It is the intent that VDH share their data and methodology, such that any citizen, with a basic understanding of high school Algebra, should be able to replicate the results. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 299 #3c

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 priority for testing indicating the existence of the COVID-19 virus in the Commonwealth. The Commissioner shall make available public 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. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 300 #1c

Health and Human Resources

Department of Health

Language

Language:

Page 109, after line 4, insert:

"F. In any case in which the Governor has declared a public health emergency related to the novel coronavirus (COVID-19), every medical care facility licensed by the Virginia Department of Health, except nursing facilities, shall allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided. In any case in which health care services are provided in an inpatient setting, and the duration of health care services in such inpatient setting is anticipated to last more than 24 hours, the person with a disability may designate more than one designated support person. However, no such facility shall be required to allow more than one designated support person to be present with a person with a disability at any time. A designated support person shall not be subject to any restrictions on visitation adopted by such medical care facility. However, such designated support person may be required to comply with all reasonable requirements of the medical care facility adopted to protect the health and safety

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of patients and staff of the medical care facility. Every such medical care facility shall establish policies applicable to designated support persons and shall (i) make such policies available to the public on a website maintained by the medical care facility and (ii) provide such policies, in writing, to the patient at such time as health care services are provided. A "designated support person" means a person who is knowledgeable about the needs of a person with a disability and who is designated, orally or in writing, by the individual with a disability, the individual's guardian or the individual's care provider, to provide support and assistance, including physical assistance, emotional support, assistance with communication or decision-making, or any other assistance necessary as a result of the person's disability, to the person with a disability at any time during which health care services are provided."

Explanation:

(This amendment adds language requiring medical facilities licensed by the Virginia Department of Health, with the exception of nursing facilities, to allow patients with disabilities to be accompanied by a designated support person at the time services are provided and to allow for visits by such person(s). Assisted living facilities would not be subject to the requirements since they are licensed by the Department of Social Services. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 309 #1c

Health and Human Resources

Department of Health Professions

Language

Language:

Page 110, after line 27, insert:

"B. Nurse practitioners licensed in the Commonwealth of Virginia, except those licensed in the category of Certified Registered Nurse Anesthetists, with two or more years of clinical experience may continue to practice in the practice category in which they are certified and licensed and prescribe without a written or electronic practice agreement until the termination of a declared state of emergency due to the COVID-19 pandemic."

Explanation:

(This amendment adds language extending the ability for certain nurse practitioners to practice without a written or electronic practice agreement until the termination of the declared public emergency due to the COVID-19 pandemic. Nurse Practitioners already have this authority under Executive Order #57 but it expired on September 8, 2020. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 312 #1c

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

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$1,280,000) \$1,280,000	(\$4,460,000) \$4,460,000	GF NGF

Language:

Page 112, line 32, strike "\$472,802,840" and insert "\$474,082,840".
Page 112, line 33, strike "\$486,936,557" and insert "\$491,396,557".

Explanation:

(This amendment reduces the general fund appropriation for Medicaid by \$1.3 million the first year and \$4.55 million the second year and increases a like amount of nongeneral funds each year, reflecting increased revenues to the Virginia Health Care Fund (VHCF). Because revenues to the fund have historically been used as the state share of Medicaid, additional revenue results in an equal amount of general fund savings. The Governor included language in the introduced budget, which authorizes the taxation of heated tobacco products and extends the "Wayfair" tax to other tobacco products, but did not appropriate the revenue these actions will generate. This additional revenue, which is deposited into the Virginia Health Care Fund, allows for a reduction in general fund appropriations for the state's share of Medicaid funding.)

Item 313 #2c

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$11,152,785 \$11,152,785	\$0 \$0	GF NGF

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Language:

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

Page 145, line 14, 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".

Page 145, line 17, strike:

"for the period of the Governor's emergency declaration".

Page 145, line 18, strike:

"and reflect the duration of" and insert "."

Page 145, strike lines 19 through 22.

Explanation:

(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 and can be offset by the federal extension of the enhanced match rate for Medicaid through March 31, 2021.)

Item 313 #3c

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

(\$56,496,695)
(\$56,496,695)

(\$69,590,882) GF
(\$69,590,882) NGF

Language:

Page 111, line 28, strike "\$16,358,800,776" and insert "\$16,245,807,386".

Page 111, line 27, strike "\$17,137,554,276" and insert "\$16,998,372,512".

Explanation:

(This amendment captures savings in the Medicaid 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. For the Commonwealth Coordinated Plus program the rates declined 0.12 percent for base Medicaid and 0.39 percent for expansion Medicaid.)

Item 313 #4c

Health and Human Resources

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Department of Medical Assistance Services

Language

Language:

Page 133, line 45, strike "Nothing" and insert:

"Notwithstanding Item 482.20 of this act, nothing".

Page 134, after line 6, insert:

"5. 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 paragraph HHH.1. in this item."

Explanation:

(This amendment clarifies that the live-in caretaker exemption to the electronic visit verification requirements shall take effect January 1, 2021 and 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. DMAS' administrative budget has sufficient funding to cover these costs.)

Item 313 #5c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMM. 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 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 #6c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

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

Page 144, line 26, 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 #7c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

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

Page 142, line 2, after "half up to" insert:

"eight hours and effective July 1, 2021, up to".

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. The funding restored in Item 482.20 funds up to eight hours of overtime per week from January 1, 2021 to June 30, 2021. Effective July 1, 2021, up to 16 hours of overtime per week is funded for personal care attendants.)

Item 313 #8c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 137, line 2, strike "July 1, 2020" and insert:
"upon federal approval but no earlier than April 1, 2021".

Explanation:

(This amendment changes the effective date from July 1, 2020 to April 1, 2021 or later depending on federal approval, for the elimination of the 40 quarter work requirement for lawful permanent residents to qualify for Medicaid. This reflects the restoration of funding for this policy change, which is contained in a separate amendment to Item 482.20.)

Item 313 #9c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 138, strike lines 20 through 23 and insert:
"DDDD.1. Effective January 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services (DBHDS), shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Group Home, Sponsored Residential and Group Day Support.

2. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services, shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Independent Living Supports, Supported Living, In-home Support Services, Group Supported Employment, Workplace Assistance, Community Engagement, Community Coaching and Therapeutic Consultation."

Page 138, line 24, strike "2" and insert "3".

Page 138, line 31 strike "September" and insert "December".

Page 138, line 32, strike "3" and insert "4".

Explanation:

(This amendment changes the effective date for the increase in Medicaid developmental

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disability provider rates for group homes, sponsored residential and group day support from July 1, 2020 to January 1, 2021 to reflect the partial restoration of funding in the first year, which is included in a separate amendment to Item 482.20. It further changes the effective day for the increase in Medicaid developmental disability provider rates for other community integration services from July 1, 2020 to July 1, 2021, which is also included in a separate amendment to Item 482.20.)

Item 313 #10c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 139, line 55, 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 amendment to Item 482.20.)

Item 313 #11c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 141, line 21, 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 #12c

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

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Page 141, line 50, 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, 2020 to July 1, 2021 to reflect the partial restoration of funding included in a separate amendment in Item 482.20.)

Item 313 #13c

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 #14c

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 or until the Appendix K expires. The department shall have the authority to implement this change prior to the completion of the regulatory process."

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Explanation:

(This amendment directs the Department of Medical Assistance Services to request 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 313 #15c

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 allow Medicaid agency-directed personal care and respite services to conduct telephonic supervisory visits by a licensed nurse (either a registered nurse or a licensed practical nurse (LPN)). A registered nurse must conduct the supervisory visit at least every 90 calendar days with the LPN making any other supervisory visits during that time. The department's forms shall be used to document the interaction during these phone calls and shall meet the standards already established by the department to include verbal consent, authorization, and confirmation of participation. This flexibility shall remain in place only for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic."

Explanation:

(This amendment directs the Department of Medical Assistance Services to allow Medicaid agency-directed personal care and respite services to conduct telephonic supervisory visits by a licensed nurse, for the duration of the COVID-19 state of emergency, and that the department's forms be used to document the interaction during these phone calls and to meet the standards already established by the department to include verbal consent, authorization, and confirmation of participation.)

Item 315 #1c

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

(\$2,322,022)
(\$5,429,678)

(\$3,252,087) GF
(\$6,039,591) NGF

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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 #1c

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 320 #2c

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and
Developmental Services

\$61,203
1.00

\$122,405 GF
1.00 FTE

Language:

Page 147, line 23, strike "\$123,177,138" and insert "\$123,238,341".
Page 147, line 23, strike "\$110,597,199" and insert "\$110,719,604".

Explanation:

(This amendment provides \$61,203 the first year and \$122,405 the second year from the general

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fund to the Department of Behavioral Health and Developmental Services for one staff to oversee implementation of a mental health awareness response system pursuant to House Bill 5043 and Senate Bill 5038 of the 2020 Special Session I. Item 320 will be set out during the enrolling process.)

Item 322 #1c

Health and Human Resources

Grants to Localities

Language

Language:

Page 148, after line 17, insert:

"NN. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, no Community Services Board or Behavioral Health Authority shall be required to provide any service pursuant to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process, beyond those services funded in Chapter 854, 2019 Acts of Assembly. Any new service requirements shall be subject to appropriation and allotment of funds for that purpose."

Explanation:

(This amendment restores language that was inadvertently stricken in the introduced budget which eliminates the requirement that Community Services Boards or Behavioral Health Authority provide 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 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 pandemic language was added eliminating the requirement to proceed with implementation of these services. The introduced budget eliminates funding for these additional services through STEP-VA. While companion amendments restore funding for STEP-VA in Item 482.20, this language is included in case of unforeseen future revenue and spending adjustments. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 322 #2c

Health and Human Resources

FY20-21

FY21-22

Grants to Localities

\$0

\$3,000,000 GF

Language:

Page 148, line 17, strike "\$562,590,641" and insert "\$565,590,641".

Page 148, after line 17, insert:

"NN. Out of this appropriation, \$3,000,000 the second year from the general fund shall be

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provided to establish one mental health awareness response and community understanding services alert system programs and community care teams in each of the Department of Behavioral Health and Developmental Services' regions pursuant to legislation adopted in the 2020 Special Session I of the General Assembly. Each region shall receive \$600,000 for this purpose."

Explanation:

(This amendment provides \$3.0 million general fund the second year to fund grants to establish a mental health awareness response and community understanding services alert system programs and community care teams in each of the Department of Behavioral Health and Developmental Services' five regions pursuant to House Bill 5043 and Senate Bill 5038. Item 322 will be set out upon enrolling of the budget bill.)

Item 350 #1c

Health and Human Resources

Department of Social Services

Language

Language:

Page 156, strike lines 23 through 27, and insert:

"T. Out of this appropriation, \$16,600,000 from the general fund and \$16,600,000 from federal Coronavirus Relief Funds the first year shall be used to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. School divisions, local governments, and local departments of social services shall cooperate with local partners receiving these funds to maximize the number of school-age children served. In addition, local partners are encouraged to use these funds to support a diverse set of providers with these funds including existing child day centers, family day homes, religious institutions, and other organizations seeking to provide such services. Within this appropriation, the federal Coronavirus Relief funds shall be expended prior to the expenditure of general fund amounts for this purpose."

Explanation:

(This amendment modifies language in the introduced budget to add \$16.6 million in federal Coronavirus Relief funds to support short-term child care efforts. The introduced budget provided \$16.6 million from the general fund to expand the potential providers of space for short-term child care. This amendment also includes other entities such as religious institutions and community centers and encourages the development of local partnerships with a diverse set of providers. With the addition of the federal CARES Act amount, a total of \$33.2 million will be available for these efforts. A companion amendment in Central Accounts provides the

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nongeneral fund appropriation from the CARES Act.)

Item 356 #1c

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 #2c

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 #3c

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 #4c

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 356 #5c

Health and Human Resources	FY20-21	FY21-22	
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Department of Social Services

\$500,000

\$500,000 NGF

Language:

Page 160, line 48, strike "\$60,357,967" and insert "\$60,857,967".
Page 160, line 47, strike "\$56,207,967" and insert "\$56,707,967".
Page 162, line 1, strike "\$1,000,000" and "\$1,000,000" and insert:
"\$1,500,000" and "\$1,500,000".

Explanation:

(This amendment provides an additional \$500,000 each year from the Temporary Assistance to Needy Families (TANF) block grant for Northern Virginia Family Services to provide supportive services to families in crisis.)

Item 372 #1c

Natural Resources

Secretary of Natural Resources

Language

Language:

Page 173, strike lines 2 through 9.

Explanation:

(This amendment removes language proposed by the Governor in House Bill 5005 for the Secretary of Natural Resources to study and develop a plan to require landfill operators to pay a solid waste disposal fee. Undertaking such a study does not require General Assembly direction or approval.)

Item 373 #1c

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

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resources and amendment totals resulting from the balance sheet correction.)

Item 374 #1c

Natural Resources

Department of Conservation and Recreation

Language

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
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

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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).

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

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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 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.

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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 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.)

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Natural Resources

Department of Environmental Quality

Language

Language:

Page 179, after line 48, 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 to improve the long-term sustainability of the Virginia Stormwater Management Fund established by § 62.1-44.15:29 and Department oversight of nutrient credit use in the Commonwealth. Such recommendations shall be provided to the Governor and General Assembly by November 1, 2020.

2. The provisions of 9VAC25-900, Virginia Administrative Code, shall be considered to have satisfied the conditions of § 62.1-44.15:35, Code of Virginia, for the establishment of an application fee schedule in accordance with § 62.1-44.19:20, Code of Virginia."

Page 179, strike lines 49 through 57.

Page 180, strike lines 1 through 3.

Explanation:

(This amendment modifies language proposed by the Governor in House Bill 5005 to establish a workgroup to review the long-term sustainability of the water quality enhancement fee; and to provide recommendations to the Governor and General Assembly by November 1, 2020.)

Item 378 #1c

Natural Resources

Department of Environmental Quality

Language

Language:

Page 180, set out Item 378.

Item 378, Paragraph B.2., after "2017." insert:

"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, until the Board has solicited input from such manufacturers in order to determine and set by regulation a feasible date by which such manufacturers must be required to comply. In developing regulations, the Board shall solicit input from a workgroup of relevant stakeholders assembled by the Department."

Explanation:

(This amendment provides exemptions to certain manufacturers from State Air Pollution

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Control Board regulations adopted pursuant to language included in Chapter 1289.)

Item 383 #1c

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 180, line 37, strike "Not set out." and insert:

"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 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

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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 General Assembly at the 2020 Reconvened 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 administrative process act. This language limits such agreements to the Hampton Roads Bridge Tunnel project.)

Item 391 #1c

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

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Language:

Page 184, line 2, strike "Not set out." and insert:

"Administrative and Support Services (79900)	\$1,230,902	\$1,230,902
General Management and Direction (79901)	\$1,230,902	\$1,230,902
Fund Sources:		
General	\$1,230,902	\$1,230,902

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Chairs of the House and Senate Courts of Justice Committees by October 15 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than November 15 of each year.

C. Included in the appropriation for this item is \$500,000 the first year and \$500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress. Any balances not needed to complete these studies may be used to conduct a comparable study in the Northern Virginia region.

D. The Secretary shall report on the requirements of Item 381 H. of Chapter 854, 2019 Acts of Assembly, by November 15, 2020.

E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the

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working group.

2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.

3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:

a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;

b. The number of hours spent in the course of redacting videos; and

c. Any other data determined relevant and necessary by the workgroup for this analysis.

F. The Secretary of Public Safety and Homeland Security shall establish an E-911 Border Response Workgroup. The Workgroup shall assess the deficiencies related to the timely routing of Emergency 911 (E911) calls to the appropriate public-safety answering point (PSAP) across either state or county borders. At a minimum, the workgroup should work with stakeholders to collect information on problems with the current system and processes; review mitigation solutions already implemented by localities and citizen groups; determine best practices; and provide inputs and recommendations to the General Assembly on technology, training, and compensation that would be necessary to address the identified deficiencies. The Secretary shall provide the recommendations of the Workgroup to the Governor and General Assembly no later than April 1, 2021."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security to establish an E-911 Border Response Workgroup to make recommendations to address identified inadequacies in the system and report its recommendations to the Governor and General Assembly no later than April 1, 2021.)

Item 402 #1c

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Corrections

\$150,000

\$0 GF

Language:

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Page 184, line 14, strike "\$180,872,172" and insert "\$181,022,172".

Page 184, set out Item 402

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

V. Included in the appropriation for this item is ~~\$950,000~~ *\$1,100,000* the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities 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
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. *House Bill 5045 and Senate Bill 5030 -- \$50,000*
21. *House Bill 5049 -- \$50,000*
22. *House Bill 5098 -- \$50,000".*

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Explanation:

(This amendment provides \$150,000 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 House Bill 5045 and Senate Bill 5030, House Bill 5049, and House Bill 5098.)

Item 402 #2c

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$1,304,753	\$4,486,555	GF
	12.00	12.00	FTE

Language:

Page 184, line 14, strike "\$180,872,172" and insert "\$182,176,925".

Page 184, line 14, strike "\$185,414,528" and insert "\$189,901,083".

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

X. Included in the appropriation for this item is \$1,304,753 in the first year and \$4,486,555 in the second year and twelve positions from the general fund for the Department to implement the time computation provisions of House Bill 5148 and Senate Bill 5034 of the 2020 Special Session I."

Explanation:

(This amendment provides \$1.3 million from the general fund in fiscal year 2021 and \$4.5 million from the general fund in fiscal year 2022 for the costs of implementing the provisions of House Bill 5148 and Senate Bill 5034, which change the calculation of earned sentence credits. Item 402 will be set out in enrolling of the bill.)

Item 403 #1c

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Criminal Justice Services	(\$195,795)	\$254,191	GF
	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".

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Page 186, line 29, after "academies." insert:

"The funding in the first year under this paragraph includes \$1.0 million for the Department to contract with a third party to develop curriculum and training standards required by the provisions of House Bill 5109 and Senate Bill 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 analyze data from the Community Policing Database."

Explanation:

(This amendment provides for two additional positions related to the legislation to address policing reform that were not included in the introduced budget. The amendment maintains funding for the 8.0 FTE included in the introduced budget related to updating uniform training curriculum, and standards of conduct for law enforcement officers, and adds two additional positions - one to increase the total positions provided for annual evaluations of certified training academies to 6.0 evaluators, and one FTE to provide data analysis related to the Department's responsibilities under the Community Policing Act and Senate Bill 5030.)

Item 403 #2c

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 Senate Bill 5035, there is no fiscal impact for the Department of Criminal Justice Services associated with authorizing civilian review panels.)

Item 404 #1c

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:

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

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."

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 House Bill 5043 and Senate Bill 5038.)

Item 406 #1c

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

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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 fiscal year 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 Chairs of the House Appropriations and Senate Finance and 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:

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 the nongeneral fund. 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

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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 Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 16 of each year.

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.

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.

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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.

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.

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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 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 the nongeneral fund 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 Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director, Department

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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.

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 Chairs of the House Appropriations and Senate Finance and Appropriations 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 and Budget, and the Chairs of the House Appropriations and Senate Finance and Appropriations 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

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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 Chairs of the House Appropriations and the Senate Finance and Appropriations 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 Justice 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 activities, 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.

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,

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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 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

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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 for the Department to make one-time 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 second year from the general fund for a coordinator position to manage the Body Worn Camera Grant.

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 under the Grant 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 from this funding."

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 from the general fund in the first year and \$113,790 from the general fund in the second year for a program coordinator position to manage the Body Worn Camera grants.)

Item 408 #1c

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Criminal Justice
Services

\$7,483,828

\$0 GF

Language:

Page 186, line 34, strike "\$200,374,655" and insert "\$207,858,483".

Page 186, line 34, strike "Not set out." and insert:

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"F. Included in the appropriation for this item is \$7,483,828 in the first year from the general fund, which shall be distributed by the Department of Criminal Justice Services to local police departments statewide on December 1, 2020. These funds shall be distributed among the localities based on the respective percentage shares of the most recent headcount of sworn law enforcement officers employed by each local police department. These funds shall be used for the purposes of attracting and retaining the most qualified local police department sworn personnel and support the costs associated with criminal justice reform."

Explanation:

(This amendment provides \$7.5 million from the general fund in the first year in additional state aid for local police departments, to be distributed on December 1, 2020, to promote the recruitment and retention of the most qualified local police department sworn personnel. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 427 #1c

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$165,917 3.00	\$278,976 3.00	GF 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 Senate Bill 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:

(This amendment provides \$0.2 million from the general fund in the first year and \$0.3 million from the general fund in the second year and three 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 Senate Bill 5030 of the 2020 Special Session I.)

Item 427 #2c

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Public Safety and Homeland Security	FY20-21	FY21-22
Department of State Police	(\$500,000)	\$0 GF

Language:

Page 189, line 36, strike "\$32,570,900" and insert "\$32,070,900".
Page 190, strike lines 31 through 33.

Explanation:

(This amendment removes \$500,000 in general funds included by the Governor for a law enforcement training curriculum. No bill passed by the House necessitates this additional funding.)

Item 429 #1c

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 the provisions of Senate Bill 5018, which provides 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 430 #1c

Transportation

Secretary of Transportation

Language

Language:

Page 196, after line 25, insert:
"6. The Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the funding actions planned to be taken under the authority provided by P.1. through 5. of this item, as well as any actions taken pursuant to language included in Item 444.B of this act, within five [5] business days following the presentation of such proposed actions to the Commonwealth Transportation Board. The reporting shall include a listing of the programs and projects impacted, identifying the amount

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and timing of the use and subsequent replacement of project allocations as required to maintain project schedules. Furthermore, within five [5] business days of a subsequent meeting of the Commonwealth Transportation Board in which official action related to the proposed funding actions is taken, the Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees the funding actions approved by the Commonwealth Transportation Board, denoting any changes from the previously reported proposed funding actions. Furthermore, in order to ensure the General Assembly has the opportunity to express its disapproval of any proposed funding shifts, no changes to project allocations shall be made at the same meeting at which they are proposed, but shall be delayed until the subsequent meeting of the Commonwealth Transportation Board."

Explanation:

(This amendment includes language requiring the Secretary of Transportation to report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees detailing the redirection and repayment of Transportation Funds authorized in the introduced budget to address the reduction in Transportation revenues which have occurred due to the pandemic.)

Item 436 #1c

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 Commonwealth-wide state of emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the declaration of a state of emergency has been rescinded or expires, the Commissioner shall ensure that individuals age 65 and older, or with an immunocompromised or other underlying medical conditions, who are not required to register pursuant to Chapter 9 of Title 9.1 and appear in person for each renewal or the requirement to obtain a photograph in accordance with § 46.2-330 F(2), are able to complete any necessary transactions for existing credentials online or through the mail, so long as such individuals are otherwise eligible to complete such transactions and federal law does not require the transactions to be completed in person."

Explanation:

(This amendment clarifies that the DMV must allow individuals who are 65 or over and individuals with an underlying medical condition can make all needed transactions electronically or through the mail during the state of emergency.)

Item 436 #2c

Transportation

Department of Motor Vehicles

Language

Language:

Page 198, after 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 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 436 #3c

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,

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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 477 #1c		
Central Appropriations	FY20-21	FY21-22	
Central Appropriations	(\$46,111,165)	\$0	GF

Language:

Page 204, line 6, strike "\$139,552,150" and insert "\$93,440,985".
Page 204, after line 6, insert:
“CC. The Director of the Department of Planning and Budget shall withhold from general fund appropriations of state agencies and institutions of higher education, and transfer to this item, the amount of \$46,111,165 the first year representing the savings that will be realized from providing a premium holiday for members in the state employee health benefits program, including retirees and COBRA beneficiaries included in the state employee funding pool, for the two pay periods in December 2020.”

Explanation:

(This amendment captures savings of \$46.1 million from the general fund in the second year from a health insurance premium holiday covering two pay periods. The premium holiday is possible as a result of a significant increase in the health insurance fund's balances in recent years.)

	Item 477 #2c		
Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	(\$20,613,821)	GF

Language:

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

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

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 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."

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. It is the intent of the General Assembly that this item be set out upon enrolling.)

	Item 477 #3c	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$10,949,082	\$0 GF

Language:

Page 204, line 6, strike "\$139,552,150" and insert "\$150,501,232".

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

"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.

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 corrections and law-enforcement 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 \$625,985 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

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one-time bonus payment of \$500 on December 1, 2020."

Explanation:

(This amendment provides funding of \$10.9 million from the general fund the first year for a \$500 one-time bonus payment, to be paid on 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. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 477 #4c

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 6, insert:

“CC. If within five days of the preliminary close of the fiscal year ending on June 30, 2021, the Comptroller's analysis determines that revenues met or exceeded the forecast and there is sufficient revenue, the Governor is authorized to appropriate \$97,756,001 the second year for the employee compensation actions included in paragraphs DD., EE., and FF. below.

DD.1. Contingent on the provisions of paragraph CC. above, \$79,804,059 from the general fund the second year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials, who were employed on April 1, 2021, and remain employed until at least August 24, 2021, a one-time bonus payment equal to \$1,500 on September 1, 2021.

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.

EE. Contingent on the provisions of paragraph CC. above, \$2,408,099 the second year from the general fund is provided for a \$750 one-time bonus on September 1, 2021 for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.

FF. Included in the contingent appropriation, \$15,543,843 from the general fund the second

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year is provided for a one-time bonus, equal to 1.5 percent of their base salary on September 1, 2021 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:

1. Locally-elected constitutional officers;
2. General Registrars and members of local electoral boards;
3. Full-time employees of locally-elected constitutional officers; and,
4. 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.

GG. If there is no downward revision to the general fund revenue estimate included in this act for fiscal year 2022 and such revenue estimate includes sufficient revenue to provide both (i) the bonus payments for state and state-supported employees provided in paragraphs DD., EE. and FF. and (ii) a salary increase incentive for funded SOQ instructional and support positions in that fiscal year, the Governor shall include such salary increase incentive in his introduced budget for consideration by the 2021 General Assembly."

Explanation:

(This amendment provides language authorizing the use of \$97.8 million from the general fund for a bonus for state employees and state supported local employees contingent on the final fiscal year 2021 revenues. This amendment also directs the Governor include a salary increase incentive for K-12 instructional and support positions during the second year in the amended budget to be introduced in December 2020, provided sufficient revenue is projected.)

Item 479 #1c

Central Appropriations

Central Appropriations

Language

Language:

Page 204, line 8, strike "Not set out." and insert:

"O. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to the general fund of \$500,000 from the World War I and World War II Commemoration Commission (872) from fiscal year 2020 Commission balances."

Explanation:

(This amendment transfers balances for the World War I and World War II Commemoration Commission to the general fund. Upon enrolling, Item 479 shall be set out and enrolled

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appropriately.)

Item 479 #2c

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 8, insert:

"R. On or before June 30, 2020, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$38,500,000 in unexpended general fund year end balances from budget program 722 originally appropriated in Item 476.10 of Chapter 1283 of the 2020 Acts of Assembly."

Explanation:

(This amendment reverts \$38.5 million in unallocated general fund balances which were originally appropriated for the emergency response to the COVID pandemic. The funding is not needed due to the availability of federal COVID relief funds.)

Item 479 #3c

Central Appropriations

FY20-21

FY21-22

Central Appropriations

\$3,000,000

\$3,000,000 GF

Language:

Page 204, line 8, strike "\$6,769,500" and insert "\$9,769,500".

Page 204, line 8, strike "\$5,519,500" and insert "\$8,519,500".

Page 204, after line 8, insert:

"N. Out of this appropriation is included up to \$3,000,000 the first year and up to \$3,000,000 the second year from the general fund for the purpose of funding criminal justice reform legislation adopted by the General Assembly during 2020 Special Session I and not otherwise funded in this act."

Explanation:

(This amendment provides \$6.0 million over the biennium to fund costs associated with any criminal justice reform legislation enacted subsequent to the adoption of the Conference Report for House Bill 5005 and Senate Bill 5015. It is the intent of the General Assembly that this item be set out upon enrolling.)

Item 479.10 #1c

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 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 § 2.2-115.1 of the Code of Virginia. *The Governor shall appropriate an amount up to \$95,227,730 the first year from the COVID-19 Relief Fund for COVID-19 Local Relief Payments to be distributed to school divisions as provided in Item 145. 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*

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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~~ *monthly* basis: *(i) the uses of the COVID-19 Relief fund, (ii) the total amount deposited to the COVID-19 Relief Fund, and (iii) the amount of skill game revenues distributed to each locality pursuant to enactment clause 2 of Chapters 1217 and 1277, 2020 Acts of Assembly.*

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 \$95.2 million the first year from the COVID-19 Relief Fund in Item 145 for COVID-19 Local Relief Payments to support the local costs of the Standards of Quality.)

Item 479.10 #2c

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), and 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 in this item. *Any allocations of remaining federal relief funds by the Governor shall be included in the Executive Budget submitted in accordance with § 2.2-1509, Code of*

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Virginia. All allocations of federal relief funds are subject to the provisions and conditions contained in this item.

2. Any new federal funding approved by Congress through subsequent legislation shall be appropriated by the Governor in the Executive Budget, submitted in accordance with § 2.2-1509, Code of Virginia and shall be subject to applicable federal rules and regulations governing these funds.

23. 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.

3-4. 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. *The Governor or his designee shall submit the first such report on October 31, 2020 and each quarter thereafter.*

4-5. 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. Apportionment

1. Out of the \$3,109,502,836 estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), the following table represents allocations made as of July 1, 2020:

<i>Item</i>	<i>Amount Appropriated as of 7/1/2020</i>
<i>Allocations to Localities</i>	<i>\$1,289,146,766</i>
<i>FY20 Agency-based Requests</i>	<i>\$80,480,698</i>
<i>DGS - Consolidated Labs</i>	<i>\$6,052,673</i>
<i>DHCD - Emergency Housing for Homeless</i>	<i>\$8,828,998</i>
<i>DHCD - Mortgage and Rental Assistance</i>	<i>\$50,000,000</i>
<i>DMAS - Long-term care facilities</i>	<i>\$55,640,872</i>

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<i>DMAS - PPE for Personal Care Attendants</i>	\$9,256,178
<i>DSBSD - Small business assistance grants</i>	\$70,000,000
<i>DSS - Food security - Expand emergency food supply package</i>	\$650,000
<i>VDACS - Food security - Agriculture surplus & emergency food</i>	\$1,211,953
<i>VDEM - Food security - 1 million MREs</i>	\$2,000,000
<i>VDEM - PPE</i>	\$97,000,000
<i>VDEM - Testing</i>	\$42,338,400
<i>VDEM - Other</i>	\$33,722,001
<i>VDH - Contract tracing/UVA Equipment</i>	\$59,157,614
<i>VDH - Replace deficit authorization</i>	\$3,291,300
Total	\$1,808,777,453

2. The allocations in this item includes an amount estimated at \$1,215,214,399 the first year from the estimated revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. The allocation shall be as follows:

Item	Amount
<i>SCC - Direct Utility Assistance to Customers</i>	\$100,000,000
<i>DHCD - Emergency Housing for Homeless</i>	\$3,000,000
<i>DOC - PPE, medical observation units, overtime</i>	\$7,700,000
<i>Elections - Voter safety for November election - cleaning, personal protective equipment, additional pay for election day workers, drop boxes</i>	\$10,000,000
<i>DMAS - Additional hospital reimbursements for eligible COVID-19 costs</i>	\$60,000,000
<i>DMAS - Hazard pay for home health workers</i>	\$72,000,000
<i>DMAS - Retainer payments for Medicaid DD Waiver Day Support providers</i>	\$25,000,000
<i>Higher Education - PPE, Virtual Education, Cleaning , Telework, Other COVID Costs</i>	\$120,000,000
<i>State Museums and Higher Education Centers - PPE, Virtual Education, Cleaning , Telework, Other COVID Costs</i>	\$4,500,000
<i>K-12 - Costs for Re-Opening Schools</i>	\$220,798,208
<i>DSS - Childcare Provider Stabilization Funds</i>	\$60,000,000
<i>DSS - Increase local capacity to provide care for school-age children</i>	\$16,600,000
<i>DSS - Virginia Federation of Food Banks - \$1.0 million per region</i>	\$7,000,000
<i>Statewide - PPE Plan</i>	\$42,112,285
<i>Statewide - Testing and Contact Tracing</i>	\$71,829,059
<i>Statewide - state agencies telework, PPE/sanitizing, DOLI regulation compliance and other eligible operational cost increases</i>	\$60,000,000
<i>VDH - Point of Care Antigen Testing</i>	\$16,010,500
<i>DSBSD - Small business assistance grants supplement</i>	\$5,000,000

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<i>VDEM - Technical assistance, public education and preparedness for COVID-19 pandemic response</i>	<i>\$37,000,000</i>
<i>DHCD - Mortgage and Rental Assistance supplement</i>	<i>\$12,000,000</i>
<i>DHCD - broadband accessibility</i>	<i>\$30,000,000</i>
<i>VEC - Unemployment Assistance</i>	<i>\$210,000,000</i>
<i>UVA Medical Center – capital, PPE, testing, education</i>	<i>\$10,000,000</i>
<i>VCU Hospital – capital, PPE, testing, education</i>	<i>\$10,000,000</i>
<i>VDH - Executive Order enforcement</i>	<i>\$1,298,038</i>
<i>DBHDS - hospital census support</i>	<i>\$2,800,000</i>
<i>Carilion serology study</i>	<i>\$566,309</i>
Total	<i>\$1,215,214,399</i>

3. The appropriation in this item includes an amount estimated at \$120,000,000 the first year from federal funds to be distributed to the educational and general program at public institutions of higher education for the Higher Education - PPE, Virtual Education, Cleaning, Telework, Other COVID Costs cited in paragraph B.2. above. An allocation for an individual public institution of higher education shall be based on reimbursement of allowable expenditures and shall be capped at \$24.0 million. Prior to disbursement of amounts allocated in this paragraph, each public institution of higher education shall be given 15 days to submit its reimbursement request. If amounts requested exceed the \$120,000,000, the requests shall be proportionally prorated.

4. The appropriation in this item includes an amount estimated at \$4,500,000 the first year from federal funds to be distributed to other education institutions for costs associated with the COVID-19 pandemic cited in paragraph B.1. above. An allocation for an individual other education institution shall be based on reimbursement of allowable expenditures and shall be capped at \$1.0 million. Prior to disbursement of amounts allocated in this paragraph, each other education institution shall be given 15 days to submit its reimbursement request. If amounts requested exceed the \$4,500,000, the requests shall be proportionally prorated.

5.a. The appropriation in this item includes \$100,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to be used to help provide direct assistance to customers with accounts over 30 days in arrears. In order to be eligible for the funds provided in this paragraph, utilities must be subject to the utility disconnection moratorium established in Item 4-14, clause 7.a. of this act. The State Corporation Commission shall establish an application process in order to distribute funds directly to utilities for the purpose of efficiently providing direct assistance to customers. The Commission shall award funds in a manner that will provide direct assistance to customers with accounts over 60 days in arrears prior to awarding funds to subsidize customer accounts 30 days in arrears. Any federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) provided to a phase II utility pursuant to this paragraph shall exclude the forgiveness of jurisdictional customer balances as specified in Item 4-14, clause 7, paragraph j. of this act. The State Corporation Commission shall transfer any dollars necessary to address the

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arrearages held by customers of utilities outside the jurisdiction of the Commission to the Department of Housing and Community to pass along to these utilities. Notwithstanding § 2.2-4002, Code of Virginia, the provisions contained in this paragraph 5.a. establishing the utility direct assistance program shall not be subject to the Administrative Process Act.

b. Upon receipt of any funds provided in paragraph 5.a., utilities shall create separate COVID-19 Utility Assistance Funds and record direct assistance payments to customers on their books in accordance with applicable accounting standards. Utilities may not direct any funds provided in paragraph 5.a. to new deposits, down payments, fees, late fees, interest charges, or penalties. 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 prior to receiving direct assistance from the utility's COVID-19 Utility Assistance Fund. While utilities may require attestation of such hardship, it may be implied that arrearages accrued over 30 days for customer nonpayment of bills, for which federal relief funds shall be used for direct subsidy payments on behalf of customers pursuant to Item 4-14, paragraph d. of this act., were incurred as a financial hardship created by the pandemic. Utilities shall reflect the direct assistance payment on an eligible customer's monthly bill, after the funds are applied to the customer's account. Utility customers may only receive a direct payment subsidy from the utility's COVID-19 Utility Assistance Fund once.

c. The Director of the Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. Prior to any distribution from the amounts appropriated in paragraph 5.a. of this item, the Director of the Department of Planning and Budget shall work with the State Corporation Commission and the Department of Housing and Community Development to verify, which utilities that are eligible to receive funds under this appropriation based on the most recently published guidance from the United States Department of the Treasury. For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility. "Municipal utility" means a utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth.

6. The appropriation in this item includes \$10,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to support additional costs anticipated for the November 3, 2020 General Election. The Commissioner of the Department of Elections shall distribute these funds directly to offices of general registrars based on population or need within 30 days of the passage of this act. General registrars may use these funds for printing of additional ballots and envelopes; additional mailing or postage costs; additional voting equipment; installation and security for absentee or mail drop-boxes; temporary elections office staffing; cleaning supplies and protective equipment for staff and poll workers; pre-and post-election cleaning of polling places; additional laptops and mobile equipment; additional

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automated letter opening equipment; public communication campaigns on voting changes; and other such items that support voter safety during the COVID-19 pandemic.

7. The appropriation in this item includes \$3,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to continue to provide emergency housing for homeless populations. This is in addition to the \$8,828,998 that was previously allocated to support this program using the Coronavirus Relief Funds cited in paragraph B.1. of this item.

8. The appropriation in this item includes \$210,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to provide additional support for the Virginia's Unemployment Insurance program. The Governor or his designee shall work with the Virginia Employment Commission to determine the best use of these funds. The Secretary of Commerce and Trade shall provide the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee a status report on the deployment of these funds by January 1, 2021.

9. The appropriation in this item includes \$60,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to assist with the operations of state government. This includes (i) funds to help state agencies comply with the Center for Disease Control and Prevention's and the Department of Labor and Industry's regulations for workplace safety during the COVID-19 pandemic, (ii) funds to help state agencies with increased costs for teleworking, and (iii) funds to help state agencies in acquiring PPE and sanitizing facilities. The Director of the Department of Planning and Budget shall within 30 days of the passage of this act solicit and fund requests from state agencies across all three branches of government to help cover increased expenses due to teleworking, PPE acquisition, sanitizing state facilities and retrofitting state owned buildings to comply with COVID-19 safety measures.

10. The appropriation in this item includes \$7,700,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the costs for the purchase of personal protective equipment, establishment and operation of medical observation units, overtime costs, and other eligible expenses of the Department of Corrections.

11. The appropriation in this item includes \$37,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the provision of technical assistance to local governments, the conduct of a public awareness and education campaign and other preparedness activities by the Department of Emergency Management.

12. The appropriation in this item includes \$220,798,208 the first year to be distributed to school divisions to assist with costs associated with the COVID-19 emergency, including but not limited to costs associated with implementing social distancing measures, providing distance learning, and providing computer equipment and internet access to students. In expending such funds, school divisions shall comply with federal CARES Act requirements and the most recently published United States Treasury Department guidance for the Coronavirus Relief Fund.

13. The appropriation in this item includes \$60,000,000 the first year from Coronavirus Relief

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Funds cited in paragraph B.2. above for the Department of Medical Assistance Services to make payments to Virginia hospitals for COVID-19 related auditable costs that have not been reimbursed through other federal relief programs available for this purpose in calendar year 2020. The Department shall have the authority to implement such payments in the most efficient and expeditious manner prior to the completion of any regulatory process to effect such changes.

14. The appropriation in this item includes \$72,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance Services for hazard pay for consumer directed and agency directed personal care attendants who provide Medicaid personal care, respite or companion care services in the amount of \$1,500 per personal care attendant. The Department shall have the authority to implement such payments prior to the completion of any regulatory process to effect such changes.

15. The appropriation in this item includes \$25,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance for monthly retainer payments to Medicaid day support providers covering the period of August through December 2020. The Department shall determine the monthly retainer based on the monthly average retainer payments made by Medicaid for dates of service between April 1 and July 31, 2020 and billed, and paid by October 31, 2020. The Department shall have the authority to implement these payments prior to the completion of any regulatory process to effect such changes.

16. The appropriation in this item includes \$76,600,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to support stabilization of the child care industry and the provision of child care during the COVID-19 emergency.

a. Out of this appropriation, \$60,000,000 is provided to support stabilization grants for child care providers and local community partnerships. The Department of Social Services, in collaboration with the Department of Education, shall award such grants with the goals of (i) preserving the long-term capacity of Virginia's early childhood and care system while programs are operating at reduced capacity during the COVID-19 emergency, and (2) providing additional child care slots in the short-term.

b. Out of this appropriation \$16,600,000 is provided for the Department of Social Services to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. School divisions, local governments, and local departments of social services shall cooperate with local partners receiving these funds to maximize the number of school-age children served. In addition, local partners are encouraged to use these funds to support a diverse set of providers with these funds including existing child day centers, family day homes, religious institutions, and other organizations seeking to provide such services. These funds shall be used prior to the expenditures of general fund amounts provided

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for this purpose as set forth in Item 350 of this act.

c. Funds referenced in paragraphs a. and b. above may be redirected among paragraphs a. and b. to respond to greater need for either program or to ensure the use of Coronavirus Relief Funds is maximized prior to the federal deadline to incur Coronavirus Relief Fund expenses.

17. The appropriation in this item includes \$7,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to the Department of Social Services for the Virginia Federation of Food Banks to provide \$1,000,000 to each of the seven regional food banks.

18. Out of this appropriation, \$5,000,000 is provided for DSBSD - Small business assistance grants as a supplement to increase the grant size for the Rebuild Virginia program and expand the eligibility criteria so that small businesses as defined in § 2.2-1604 of the Code of Virginia that have suffered loss as a result of the COVID-19 pandemic may participate in the federal coronavirus relief funds available through the program including recreation and tourism small businesses that are Virginia-based.

B. C. 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.

D. The Governor is authorized to allocate the remaining amount of the estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. However, the Governor shall, within two days of making any allocation action, make such plan available via electronic means to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

~~€.~~ *E. Any reports required by paragraphs A., or B., or C. 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. However, reports in paragraphs A., B., C., or D. above are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a.) of this act.*

~~Đ.~~ *F. 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.*

G. If, as of December 1, 2020, the Governor determines that any of the amounts outlined in paragraphs B.1. through B.18. of this item can not be spent for the purposes outlined in such

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subparagraphs, he shall have the authority to shift unspent allocations to any other purpose outlined in paragraph B. If, as of December 18, 2020, the Governor reports unspent allocations remain, all such amounts shall be transferred to Unemployment Compensation Fund established pursuant to § 60.2-300. However, if Congress extends the expiration date for the use of Coronavirus Relief Funds, then the date by which the Governor shall be allowed to shift allocations is 30 days prior to the new expiration date for the use of the federal funds and any remaining unallocated funds as of 12 days prior to the expiration date shall be allocated to the Unemployment Compensation Fund."

Explanation:

(This amendment allocates remaining Coronavirus Relief Funds and makes technical changes to the authority previously provided related to federal relief funds.)

		Item 482.20 #1c
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$3,750,000	\$3,750,000 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$750,265,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,790,477".
Page 216, line 18, strike "\$7,500,000" and "\$7,500,000" and insert:
"\$3,750,000" and "\$3,750,000".

Explanation:

(This amendment restores \$3.75 million each year for census reduction programs for state-operated psychiatric hospitals that was reduced in the introduced budget. The budget passed in March contained \$7.5 million each year for these programs, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget. Prior to the COVID-19 pandemic, the census of the state-operated psychiatric hospitals averaged 95 percent of their total bed capacity. Through the month of July 2020, the state operated psychiatric hospitals experienced an increase in admissions and at times exceeded their operating bed capacity. Restoration of half of this funding will assist the Department of Behavioral Health and Developmental Services in their efforts to develop public-private partnerships to reduce the census in these facilities.)

		Item 482.20 #2c
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$250,000	\$250,000 GF

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Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,765,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,290,477".
Page 216, strike line 24.

Explanation:

(This amendment restores \$250,000 each year from the general fund to provide grants for recovery residences through the Virginia Association of Recovery Residences to promote services for substance use disorder. 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 #3c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$2,458,479	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,333,081,998".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,333,081,998".
Page 215, line 38, strike "\$2,458,479" and insert "\$0".
Page 216, line 8, strike "\$127,501,107" and insert "\$125,042,628".

Explanation:

(This amendment adds \$2.4 million from the general fund the second year to restore funding for Medicaid rate increases for mental health service providers to 110 percent of Medicare rates. The budget passed in March contained \$2.4 million each year for this rate increase, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

Item 482.20 #4c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$293,023	\$3,289,890	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,722,969".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,332,250,587".
Page 205, line 9, strike "\$754,015,992" and insert "\$753,722,969".
Page 205, line 9, strike "\$1,335,540,477" and insert "1,332,250,587".

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Page 215, line 15, strike "\$1,172,091" and insert "\$879,068".

Page 215, line 15, strike "\$3,289,890" and insert "\$0".

Page 216, line 8, strike "\$79,572,610" and insert "\$79,279,587".

Page 216, line 8, strike "\$127,501,107" and insert "\$124,211,217".

Explanation:

(This amendment restores \$293,023 the first year and \$3.3 million general fund the second year to eliminate, effective April 1, 2021 or later upon federal approval, 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 #5c

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 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 eliminated in the Governor's introduced budget for the 2020 Special Session I.)

Item 482.20 #6c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$3,209,470	\$9,609,223	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 "\$1,325,931,254".

Page 205, line 9, strike "\$754,015,992" and insert "\$750,806,522".

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Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,325,931,254".

Page 215, line 13, strike "\$9,609,223" and "\$9,609,223" and insert: "\$6,399,753" and "\$0".

Page 216, line 8, strike "\$79,572,610" and insert "\$76,363,140".

Page 216, line 8, strike "\$127,501,107" and insert "\$117,891,884".

Explanation:

(This amendment restores \$3.2 million the first year and \$9.6 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 eight hours for a single attendant who works more than 40 hours per week, beginning January 1, 2021, and effective July 1, 2021 to pay for up to 16 hours of overtime per week. 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 2020 Special Session I.)

Item 482.20 #7c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$278,734	\$2,116,376	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,737,258".

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 "\$753,737,258".

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 "\$836,202".

Page 215, line 22, strike "\$2,116,376" and insert "\$0".

Page 216, line 8, strike "\$79,572,610" and insert "\$79,293,876".

Page 216, line 8, strike "\$127,501,107" and insert "\$125,384,731".

Explanation:

(This amendment restores \$278,734 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 April 1, 2021 or upon federal approval. 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 2020 Special Session I. 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.)

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Item 482.20 #8c

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 2020 Special Session I.)

Item 482.20 #9c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$6,245,286	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,329,295,191".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,329,295,191".
Page 215, line 46, strike the second "\$6,245,286" and insert "\$0".
Page 216, line 8, strike "\$127,501,107" and insert "\$121,255,821".

Explanation:

(This amendment restores funding to increase Medicaid reimbursement for skilled and private duty nursing to 80 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 16.1 percent and private duty nursing rates by an average of 11.6 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 2020 Special Session I.)

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Item 482.20 #10c

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 9, 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 2020 Special Session I.)

Item 482.20 #11c

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 adds \$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 2020 Special Session I.)

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Item 482.20 #12c

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 2020 Special Session I.)

Item 482.20 #13c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$1,350,000	\$2,600,000	GF

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 which matches a like amount of 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 physicians who begin their residencies in July 2021. These funds were included in the

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budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the 2020 Special Session I.)

Item 482.20 #14c

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 "\$16,655,627".

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 2020 Special Session I.)

Item 482.20 #15c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$3,000,000	\$17,000,000	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 "\$1,318,540,477".
- Page 205, line 9, strike "\$754,015,992" and insert "\$751,015,992".
- Page 205, line 9, strike "\$1,355,540,477" and insert "\$1,318,540,477".
- Page 216, line 32, strike "\$8,500,000" and insert "\$5,500,000".
- Page 216, line 32, strike "\$17,000,000" and insert "\$0".
- Page 216, line 36, strike "\$29,604,173" and insert "\$26,604,173".
- Page 216, line 36, strike "\$49,252,214" and insert "\$32,252,214".

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Explanation:

(This amendment restores \$3.0 million the first year and \$17.0 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 2020 Special Session I.)

Item 482.20 #16c

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 "\$4,224,388" and "\$4,224,388" and insert: "\$2,112,194" and "\$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".

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 2020 Special Session I.)

Item 482.20 #17c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$30,151,414	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,305,389,063".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,305,389,063".
Page 216, line 34, strike "\$30,151,414" and insert "\$0".

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Page 216, line 36, strike "\$49,252,214" and insert "\$19,100,800".

Explanation:

(This amendment restores \$30.2 million the second year from the general fund to restore funding for services as part of STEP-VA that was included in Chapter 1289, of the 2020 Appropriation Act. The funding includes \$6.8 million for mobile crisis services and \$4.7 million for crisis dispatch that will assist in implementation of House Bill 5043 / 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 2020 Special Session I.)

	Item 482.20 #18c		
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 "\$1,159,901" and "\$1,159,901" and insert: "\$579,950" and "\$0".
 Page 217, line 51, strike "\$31,646,263" and insert "\$31,066,312".
 Page 217, line 51, strike "\$41,188,197" and insert "\$40,028,296".

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 2020 Special Session I. This amendment restores the funding to allow two-parents families to receive the 15 percent increase beginning January 1, 2021.)

	Item 482.20 #19c		
Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$250,000	\$0	GF

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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 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 #20c

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:
"\$323,437" and "\$323,437" and insert "\$161,718" and "\$0".
Page 205, line 9, strike:
"\$754,015,992" and insert "\$753,854,273".
Page 205, line 9, 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 #21c

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".

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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 2020 Special Session I. This amendment restores the funding.)

Item 482.20 #22c

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$350,000	\$0 GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,665,992".
Page 208, line 2, strike the first "\$500,000" and insert "\$150,000".

Explanation:

(This amendment restores \$350,000 the first year from the general fund to support educational programming produced by Blue Ridge PBS. The budget passed in March included \$500,000 for this initiative, but funds were subsequently unallotted in April due to the pandemic and eliminated in House Bill 5005.)

Item 482.20 #23c

Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$2,500,000	\$4,100,000 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 "\$1,331,440,477".
Page 208, line 12, strike "\$5,300,000" and "\$5,300,000" and insert:
"\$2,800,000" and "\$1,200,000".

Explanation:

(This amendment restores \$2.5 million in the first year and \$4.1 million in the second year from the general fund to implement expanded access to school meals.)

Item 482.20 #24c

Conference Report to House Bill 5005

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$1,424,522	\$7,596,300	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$752,591,470".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,327,944,177".
Page 205, line 25, strike "\$5,732,280" and insert "\$4,307,758".

Explanation:

(This amendment restores funding of \$1.4 million from the general fund the first year and \$7.6 million from the general fund the second year related to additional district court clerk positions that was unallotted in Chapter 1289, 2020 Acts of Assembly.)

Item 482.20 #25c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$949,682	\$5,698,089	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,066,310".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,329,842,388".
Page 205, line 9, strike "\$754,015,992" and insert "\$753,066,310".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,329,842,388".
Page 205, line 31, strike "\$3,798,726" and insert "\$2,849,044".
Page 205, line 31, strike "\$5,698,089" and insert "\$0".

Explanation:

(This amendment restores funding of \$949,682 from the general fund the first year and \$5.7 million from the general fund 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 #26c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$1,000,000	\$1,000,000	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,015,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,334,540,477".

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Page 213, lines 41 through 45.

Explanation:

(This amendment restores funding for the expansion of the Online Virginia Network.)

Item 482.20 #27c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$10,273,553	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,325,266,924".

Page 215, line 17, strike "\$10,273,553" and insert "\$0".

Explanation:

(This amendment adds \$10.3 million from the general fund the second year to restore funding for the redesign of Medicaid behavioral health services to ensure that services provided through Medicaid are evidence based and provide a continuum of community rehabilitation behavioral health services. The budget passed in March contained funding for this effort, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

Item 482.20 #28c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$10,697,611	\$22,037,077	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$743,318,381".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,313,503,400".

Page 215, line 30, strike "(21,395,221)" and insert "(10,697,610)".

Page 215, line 30, strike "\$22,037,077" and insert "\$0".

Explanation:

(This amendment restores \$10.7 million the first year and \$22.0 million the second year from the general fund to increase group home, sponsored residential and group day support rates effective January 1, 2021 for services provided through the current Medicaid Developmental Disability Waiver programs using updated data measures available, 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 pandemic and eliminated in the introduced budget. A companion amendment updates rates for community integration services provided through the DD waiver programs.)

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Item 482.20 #29c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$3,748,853	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,791,624".

Page 215, line 32, strike "\$3,748,853" and insert "\$0".

Explanation:

(This amendment restores \$3.7 million the second year from the general fund to increase Medicaid rates for community integration services provided through the current Medicaid Developmental Disability Waiver programs using updated data. 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. A companion amendment updates rates for group homes, sponsored residential and group day support services provided through the DD waiver programs.)

Item 482.20 #30c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$7,599,696	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,327,940,781".

Page 215, line 44, strike the second "\$7,599,696" and insert "\$0."

Explanation:

(This amendment adds \$7.6 million from the general fund the second year to restore funding for a Medicaid rate increase for psychiatric residential treatment facilities effective July 1, 2021. 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 #31c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$37,313,648	GF

Language:

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Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,298,226,829".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,298,226,829".

Page 208, line 23, strike "\$48,436,297" and insert "\$11,122,649".

Page 208, line 32, strike "\$304,970,121" and insert "\$267,656,473".

Explanation:

(This amendment restores funding for pre-kindergarten access for at-risk three and four year old children in the second year. The restored amount increases the Virginia Preschool Initiative per pupil amount from \$6,326 in fiscal year 2021 to \$6,959 in fiscal year 2022, representing a 10 percent increase. The budget passed in March increased the per pupil amount from \$6,326 in fiscal year 2020 to \$6,959 in fiscal year 2021 and \$7,655 in fiscal year 2022, but these funds were subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

Item 482.20 #32c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$35,173,962	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,300,366,515".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,300,366,515".

Page 208, line 16, strike "\$35,173,962" and insert "\$0".

Page 208, line 32, strike "\$304,970,121" and insert "\$269,796,159".

Explanation:

(This amendment restores funding to support at-risk students in the second year. 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 #33c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$170,125	\$226,832	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,845,867".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,313,645".

Page 219, strike lines 29 through 31.

Explanation:

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(This amendment restores \$170,125 the first year and \$226,832 the second year for an executive director and additional investigator for the Board of Local and Regional Jails.)

Item 482.20 #34c

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 #35c

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 #36c

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".

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Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,164,113".

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 #37c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$342,678	\$209,509	GF

Language:

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 482.20 #38c

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 "\$2,300,000" and "\$2,300,000" and insert :
"\$1,150,000" and "\$0".

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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 2020 Special Session I.)

Item 482.20 #39c

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 "\$1,000,000" and "\$1,000,000)" and insert: "\$500,000" and "\$0".

Page 219, line 52, strike "\$13,878,574" and "\$13,878,574)" and insert: "\$13,378,574" and "\$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 2020 Special Session I.)

Item 482.20 #40c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$200,000	\$200,000	GF

Language:

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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".
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 "\$13,878,574" and "\$13,878,574" and insert:
"\$13,678,574" and "\$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 2020 Special Session I.)

Item 482.20 #41c

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 2020 Special Session I.)

Item 482.20 #42c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$20,000,000	\$14,000,000	GF

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Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$734,015,992".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,321,540,477".
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 "\$0".
Page 209, line 29, strike "\$12,000,000" and insert "\$5,000,000".
Page 210, line 13, strike "\$10,000,000" and insert "\$0".
Page 210, line 13, strike "\$12,000,000" and insert "\$5,000,000".

Explanation:

(This amendment restores \$10.0 million each the first year and \$7.0 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 2020 Special Session I. This amendment restores the original amount of funding in the first year and a partial amount in the second year.)

Item 482.20 #43c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$4,133,500	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,406,977".
Page 215, strike line 6.

Explanation:

(This amendment adds \$4.1 million from the general fund the second year to restore funding for 250 Medicaid Developmental Disability Waiver slots. 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 #44c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$6,984,788	GF

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Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,328,555,689".
Page 215, line 34, strike "\$6,984,788" and insert "\$0".

Explanation:

(This amendment adds \$6.9 million from the general fund the second year to restore funding for Medicaid nursing facility reimbursement. 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 #45c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$160,800	\$160,800	GF

Language:

Page 205, line 1, strike "\$754,015,992" and insert "\$753,855,192".
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,379,677".
Page 205, line 9, strike "\$754,015,992" and insert "\$753,835,192".
Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,335,379,677".
Page 218, strike line 17.
Page 218, line 28, strike "\$3,398,510" and insert "\$3,237,710".
Page 218, line 28, strike "\$27,935,341" and insert "\$27,774,541".

Explanation:

(This amendment restores dedicated funding to support the public operations of Mason Neck State Park.)

Item 482.20 #46c

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$8,718,731	GF

Language:

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,326,821,746".
Page 217, line 36, strike "\$17,437,461" and insert "\$8,718,730".

Explanation:

(This amendment restores \$8.7 million from the general fund the second year for Family First

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prevention services at local departments of social services. The budget passed in March contained funding for this effort, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

Item C-12.10 #1c

Education

George Mason University

Language

Language:

Page 225, line 24, strike "Not set out." and insert:

"C-12.10 Planning: Academic VIII-STEM, *Science and Technology Campus* (18498)".

Explanation:

(This amendment makes a technical project title change clarifying project location based on the institution's capital project request.)

Item C-42 #1c

Natural Resources

FY20-21

FY21-22

Department of Conservation and Recreation

\$500,000

\$0 NGF

Language:

Page 227, line 16, strike "\$12,500,000" and insert "\$13,000,000".

Page 227, line 16, strike "Not set out." and insert:

"Improvements: Make Critical Infrastructure Repairs and Residences at Various State Parks, Phase I (18366)

~~\$12,500,000~~
\$13,000,000

\$0

Fund Sources:

Bond Proceeds

~~\$12,500,000~~
\$13,000,000".

\$0

Explanation:

(This amendment provides and additional \$500,000 nongeneral fund bond proceeds for critical infrastructure repairs and preventive maintenance projects across the Virginia State Park System.)

Item C-61.50 #1c

Transportation

Virginia Commercial Space Flight Authority

Language

Language:

Page 228, unstrike line 24.

Page 228, line 24, strike "General" and insert "Bond Proceeds".

Explanation:

(This amendment changes the fund source for the regional airport hangar project.)

Item C-69 #1c

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 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-72.10 #1c

Central Appropriations

Central Capital Outlay

Language

Language:

Page 231, unstrike lines 2 through 7.

Page 231, line 4, strike "General" and insert "Bond Proceeds".

Page 231, line 5, strike "general fund" and insert "bond proceeds".

Explanation:

(This amendment changes the funding source for the Virginia Beach Nimmo Parkway access project.)

Item C-74 #1c

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

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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, 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.4. 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.~~

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~~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 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 C-75 #1c

Central Appropriations

Central Capital Outlay

Language

Language:

Page 231, after line 17, insert:

"A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed ~~\$194,901,500~~ \$206,401,500 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, to finance the capital costs of the projects described in paragraph C. of this item.

B. Debt service on bonds issued under the authorization in this item shall be provided from appropriations to the Treasury Board.

C. The appropriations for the following authorized projects are contained in the appropriation items listed:

Agency Name/Project Title	Project Code	Item	VPBA Bonds
Department of Military Affairs (123)			
Replace/Install Fire Safety Systems in Readiness Centers	18318	C-62	\$3,000,000
Department of State Police (156)			
Upgrade Statewide Radio System (STARS) Network	18414	C-56	\$80,000,000

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Department of General Services (194)

Renovate and Repair Fort Monroe	18191	C-1	\$17,800,000
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Department of Conservation and Recreation (199)

Make Critical Infrastructure Repairs and Residences at Various State Parks	18366	C-42	\$12,500,000 <i>\$13,000,000</i>
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Renovation of Existing Revenue Generating Cabins	18490	C-46	\$16,158,000
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Virginia Museum of Fine Arts (238)

Repairs and Structural Issues	18503	C-36.50	\$2,750,000
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Marine Resources Commission (402)

Oyster Reef Restoration	18479	C-54	\$10,000,000
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Department for the Blind and Vision Impaired (702)

Improve campus infrastructure	18488	C-39	\$1,223,500
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Department of Behavioral Health and Developmental Services (720)

Address patient and staff safety issues at state facilities	18365	C-38	\$7,600,000
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Make infrastructure repairs to state facilities	18307	C-37	\$13,870,000
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Virginia Commercial Space Flight Authority (509)

Accomack Regional Airport Hangar	18504	C-61.50	\$1,000,000
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Central Capital Outlay (949)

Virginia Beach Improve Access	18505	C-72.10	\$10,000,000
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Department of Corrections (799)

DOC Capital Infrastructure Fund	18480	C-55	\$30,000,000
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Total VPBA Bonds	\$194,901,500
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\$206,401,500''.

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Explanation:

(This amendment makes technical corrections to the VPBA table.)

Item 3-1.01 #1c

Transfers

Interfund Transfers

Language

Language:

Page 233, line 2, strike "Not set out." and insert:

"KK. On or before June 30, 2021, the State Comptroller shall transfer to the general fund an amount estimated at \$275,000 from the Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program."

Explanation:

(This amendment transfers nongeneral fund balances from the Virginia Alcohol Safety Action Program to the general fund. Upon enrolling, Item 3-1.01 will be set out and enrolled appropriately.)

Item 3-1.01 #2c

Transfers

Interfund Transfers

Language

Language:

Page 234, set out Item § 3-1.01, 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 § 3-1.01 will be set out and enrolled appropriately.)

Item 3-1.01 #3c

Transfers

Interfund Transfers

Language

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Language:

Page 233, set out Item § 3-1.01.

Item § 3-1.01, Paragraph 2.a., strike "\$125,100,000" and insert "\$136,200,745".

Explanation:

(This is a technical amendment to increase the transfer of Alcoholic Beverage Control Authority net profits in fiscal year 2021 by \$11.1 million, to reflect the accrual-based transfer to the general fund of excess fiscal year 2020 Q4 profits deposited in the general fund in Q1 of fiscal year 2021. This amendment is to an item not set out in the Governor's introduced budget; it will be set out in the enrolling process.)

Item 3-1.01 #4c

Transfers

Interfund Transfers

Language

Language:

Page 233, set out Item § 3-1.01.

Item § 3-1.01, Paragraph 2.a., strike "\$125,100,000" and insert "\$128,400,000".

Item § 3-1.01, Paragraph 2.a., strike "\$128,700,000" and insert "\$132,700,000".

Explanation:

(This amendment is to an item not set out in the governor's introduced budget; it will be set out in the enrolling process. This amendment increases the expected transfer to the general fund of Alcoholic Beverage Control Authority net profits by \$3.4 million in fiscal year 2021 and \$4.0 million in fiscal year 2022. These amounts are based upon higher than assumed growth in gross sales in fiscal year 2020, and assume annual growth in gross sales of 4.5 percent in each of fiscal year 2021 and fiscal year 2022.)

Item 3-4.01 #1c

Auxiliary Enterprises and Sponsored Programs in Institutions of Higher Education

Auxiliary Enterprise Investment Yields

Language

Language:

Page 234, after line 33, insert:

"4. a. 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

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2020-2022 biennium. However, with the exception of transfer payments, educational and general program reserves may not be used to directly support intercollegiate athletics.

b. Any use of available fund balances pursuant to these temporary provisions shall be subject to approval by the Board of Visitors of the institution, provided that the Board has also reviewed the measures of financial status included in the most recent Auditor of Public Account Higher Education Comparative Report. Prior to any transfer, the institution shall provide the approval resolution to the Chairs the House Appropriations and Senate Finance and Appropriations Committees."

Explanation:

(This amendment provides additional flexibility for the use of fund balances to address expenses related to the COVID-19 pandemic.)

Item 4-0.01 #1c

Operating Policies

Operating Policies

Language

Language:

Page 237, strike line 2, and insert:

"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, *or any joint meeting of such entities*, 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

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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 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."

Explanation:

(This amendment sets out Item 4-0.01 and modifies the language to include joint meetings of public entities on the list of entities that can meet remotely during a state of emergency. Upon enrolling, Item 4-0.01 will be set out and enrolled appropriately.)

Item 4-0.01 #2c

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.

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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 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

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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 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 #1c

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 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*

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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 4-8.01 #1c

Reporting Requirements

Governor

Language

Language:

Page 238, after line 24, insert:

"4. a) ~~Except for the reports required under Item 479.10 of this act, Notwithstanding any other provision of law or of any provision of this Act,~~ the Governor may delay or defer the submission of any report or study that is required by the Code of Virginia or by this act of a state entity, including agencies, boards, commissions, and authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.

b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above."

Explanation:

(This amendment makes technical adjustments to reporting requirements.)

Item 4-14 #1c

Effective Date

Effective Date

Language

Language:

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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, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, 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, subject to the regulation of Commission or constituting a municipal utility ("utilities") are prohibited from disconnecting service 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. "Municipal utility" means a utility providing electric, gas, or water or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection moratorium, which may be by bill insert or bill notice.

b. No more than 60 days after the enactment of this act, the utilities shall notify all customers who are at least 30 days in arrears of the COVID-19 Relief Repayment Plan (Repayment Plan), which may be by bill insert or bill notice, such notice shall include eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an initial complaint on Repayment Plan related disputes. All utilities within 60 days after the enactment of this act must offer customers a Repayment Plan for past due accounts while the universal prohibition on service disconnections 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. The utility will work with the customer to establish a Repayment Plan that meets the requirements of this clause 7.b. and that the customer determines is sustainable and affordable for them. 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. 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. 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 116-136: Coronavirus Aid, Relief, and Economic Security Act. If the provisions of

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Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act expire prior to the end of the universal moratorium established in clause 7.a., the utility may only resume reporting any default on the Repayment Plan at the end of the universal moratorium established in clause 7.a.

5. However, no utility that has received an order exempting it from the provisions of this clause 7.a. shall disconnect from service a customer who is making timely payments under the Repayment Plan at the time of the order and until such time as a customer ceases to make timely payments under the Repayment Plan. A utility that has received an order exempting it from the provisions of this clause 7.a. shall attempt to establish a Repayment Plan with its customers prior to any disconnection of service.

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.

d. In accordance with the provisions of Item 479.10, paragraph B.5. of this act, utilities shall use any funding allocated from the federal Coronavirus Relief Funds of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to provide direct subsidy payments on behalf of customers whose accounts are over 30 days in arrears, provided such use meets eligibility requirements pursuant to United States Department of the Treasury guidance. In applying these funds to customer accounts, utilities shall prioritize providing financial assistance to customers who are over 60 days in arrears prior to using the funds to assist customers with accounts 31 to 60 days in arrears. To the extent possible, utilities shall use available funding to cover one-hundred percent of the customer's arrearage.

In addition to the funds provided in Item 479.10, paragraph B.2. of this act, where applicable, utilities must accept financial assistance from other utility assistance programs funded with federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) for customers who are at least 30 days in arrears. To the extent possible, utilities must direct customers in writing to these resources when establishing a Repayment Plan.

e. 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 for Virginia customers that exceed 2% of an investor-owned electric utility's, or 1% of any other utility's, annual Virginia jurisdictional operating revenues, then the utility may obtain relief from the moratorium established in clause 7.a. 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.a.

f. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a

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utility subject to this clause 7 but not 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 the moratorium established in clause 7.a. if (i) the utility provides a written analysis stating such facts to demonstrate the exceedance to staff of the governing body, (ii) the utility contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the governing body, 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.a.

g. 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, including through a rate adjustment clause or through base rates, however, the Commission shall exclude from recovery all costs associated with any jurisdictional customer balances forgiven by a Phase II utility pursuant to paragraph j. below. 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 information on the status of customer accounts, including (a) the number and value of outstanding aged account balances, categorized by customer type; (b) the number and value of associated collections from customers, categorized by customer type; (c) the number and value of associated additions to aged accounts receivable balances, categorized by customer type; (d) the number and value of aged accounts receivable balances, net of collections and additions; (e) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (f) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (g) the amount of and average debt still remaining for customer accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (h) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (i) the number, total value, and average debt of customer accounts receiving direct assistance by the funds provided in Item 479.10, paragraph B.2. of this act, categorized by days in arrears and customer account type; (j) the cumulative level of customer arrearages by locality; and (k) any cost recorded as regular asset authorized by that certain order of the Commission in Case Number PUR-2020-00074. 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 by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period

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from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

h. Utilities not subject to regulation by the Commission shall submit information on the status of customer accounts to the Commission on Local Government managed by the Department of Housing and Community Development, including (a) the number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60 days in arrears; (c) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (d) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (e) the amount of and average debt still remaining for accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (f) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (g) the number, total value, and average debt of accounts offset by the funds provided in Item 479.10, paragraph B.2. of this act and local programs using Coronavirus Relief Funds, categorized by days in arrears, customer account type, and Coronavirus Relief Fund type; and, (h) 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 by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

i. The reports required in paragraphs g. and h. of this clause 7 are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a. of this act.

j. 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,

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the Chairs of the House Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance and Appropriations, 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 outlines a policy to extend Virginia's moratorium on utility disconnections.)

Item 4-14 #2c

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 landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for non-payment of rent through December 31, 2020, unless such eligible tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance and refuses to cooperate with the landlord in applying 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 additional expenses or a loss of income due to the declared state of emergency, the tenant may, but is not required to, 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 plan with the landlord, or pay any installment required by the plan, the landlord may not terminate the tenancy nor take any action to obtain possession of the dwelling unit until the provisions of subsection 8.b. are effectuated on January 1, 2021. However, during the time the provisions of this subsection 8.a. are in effect, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251 in the event that the

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tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, as described in subsection 8.a.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 and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251 for non-payment of rent, during such time the provisions of 8.a. are in effect. Before January 1, 2021, a landlord may not terminate a tenancy nor take action to obtain possession of a dwelling unit based solely on failure to receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program. After the provisions of subsection 8.b. are effectuated on January 1, 2021, the landlord may terminate the tenancy or take action to obtain possession of the dwelling unit based on failure to receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, but only in compliance with the applicable provisions of subsection 8.b.3. For any 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.

b. Beginning January 1, 2021, 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 landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for non-payment of rent due to lost income or additional expenses resulting from the declared state of emergency until such time the declared state of emergency ends, except as follows:

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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 additional expenses or a loss of income due to the declared state of emergency, the tenant may, but is not required to, 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 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

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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. Unless the tenant has communicated to the landlord that they are applying for rental assistance funds, the landlord shall apply for rental assistance on behalf of the tenant to the Virginia Rent and Mortgage Relief program, or another federal, state, or local rental assistance program no later than fourteen days from the time the written notice is served. If the tenant refuses to apply for rental assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, the landlord may take action to obtain possession of a dwelling unit for non-payment of rent as provided in § 55.1-1251. 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 application for assistance is made by the tenant or the landlord, 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, or state rent relief program, or there are no longer funds available from these sources, then the provisions of this subsection, 8.b.3. 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 116-136: Coronavirus 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, the landlord cannot take any action to obtain possession of a dwelling unit for non-payment of rent.

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

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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 8."

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 four 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 six 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 beginning January 1, 2021 provided certain other conditions are met, including notifying the tenant of the availability of rental assistance. For owners with four 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 beginning January 1, 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 rental assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, the landlord can take action on or before December 31, 2020, to obtain possession of a dwelling unit for non-payment of rent.)
