

February 10, 2021 - Amendments to SB 1100, As Introduced

Item 0 #1s

Revenues

Revenues

Language

Language:

Page 1, strike lines 34 through 38, and insert:

	First Year	Second Year	Total
Unreserved Beginning Balance	\$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	\$21,941,832,509	\$22,577,524,514	\$44,519,357,023
Transfer	\$659,277,131	\$643,217,349	\$1,302,494,480
Total General Fund Resources Available for Appropriation	\$24,190,676,835	\$23,250,591,863	\$47,441,268,698

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2020	\$6,915,611,972		\$6,915,611,972
Official Revenue Estimates	\$39,115,808,362	\$39,883,177,181	\$78,998,985,543
Lottery Proceeds Fund	\$685,031,123	\$690,903,334	\$1,375,934,457
Internal Service Fund	\$2,127,455,883	\$2,293,917,698	\$4,421,373,581
Bond Proceeds	\$2,479,633,162	\$294,775,137	\$2,774,408,299
Revenues Available for			
Total Nongeneral Fund Revenues Available for Appropriation	\$51,323,540,502	\$43,162,773,350	\$94,486,313,852
TOTAL PROJECTED REVENUES	\$75,514,217,337	\$66,413,365,213	\$141,927,582,550

Page 2, strike lines 1 through 15.

Explanation:

(This amendment reflects the net total of general and nongeneral fund revenue, transfer and balance adjustments encompassed in the Committee amendment package to SB 1100.)

Legislative Department

General Assembly of Virginia

Language

Language:

Page 14, after line 14, insert:

"Z.1. The Chair of the Senate Finance and Appropriations Committee shall appoint six members from the Senate Committee on Finance and Appropriations and the Chairman of the House Appropriations Committee shall appoint three members from the House Committee on Appropriations and three members of the House Committee on Finance to a Joint Subcommittee on Tax Policy. The Joint Subcommittee shall elect a chairman and vice-chairman from among its membership.

2. The goals and objectives of the Joint Subcommittee shall include (i) evaluating the fiscal impact of amendments to tax brackets, tax rates, credits, deductions, and exemptions, as well as any other factors it deems relevant to making Virginia's individual income tax system more fair and equitable; (ii) giving consideration to the fairness, certainty, convenience of payment, economy in collection, simplicity, neutrality, and economic efficiency of the Commonwealth's tax policies and any changes thereto; and (iii) recommending whether the General Assembly should amend the Code of Virginia.

3. To assist the Joint Subcommittee, the Chair of the Joint Subcommittee may appoint a workgroup which includes the staff of the House Committee on Finance, the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and any other stakeholders deemed appropriate. All agencies of the Commonwealth shall provide technical assistance to the Joint Subcommittee, upon request."

Explanation:

(This amendment establishes a Joint Subcommittee on Tax Policy to evaluate and make recommendations on potential changes to Virginia's tax policies, including changes to tax brackets, tax rates, credits, deductions, and exemptions, and any other changes it deems necessary. The Joint Subcommittee will consider factors such as equity, certainty, convenience of payment, economy in collection, simplicity, neutrality, economic efficiency and any other factors it deems relevant to the Commonwealth's tax policies.)

Legislative Department

General Assembly of Virginia

Language

Language:

Page 14, after line 14, insert:

"Z. The staff of the Senate Fiscal Office, in collaboration with the staff of the Senate Committee on Finance and Appropriations, shall perform a comprehensive review of the compensation and benefits currently provided to legislative assistants, including a review of what might be considered best practices in other states regarding the compensation and benefits, professional growth, and training opportunities provided to legislative assistants, and make recommendations on any changes to the compensation and benefits, professional growth and training opportunities as a result of such review, and deliver a report on the staffs' findings and recommendations to the Clerk of the Senate and Chairman of the Senate Committee on Finance and Appropriations by November 1, 2021."

Explanation:

(This amendment directs the staff of the Senate Fiscal Office and the staff of the Senate Finance and Appropriations Committee to perform a review of the compensation and benefits currently provided to legislative assistants, and to make any recommendations regarding the structure of compensation and benefits to the Clerk of the Senate and the Chairman of the Senate Finance and Appropriations Committee by November 1, 2021.)

	Item 4 #1s	
Legislative Department	FY20-21	FY21-22
Division of Capitol Police	\$0	\$846,907 GF

Language:

Page 15, line 44, strike "\$13,270,924" and insert "\$14,117,831".

Explanation:

(This amendment provides funding of \$846,907 GF the second year to increase the starting salaries of Division of Capitol Police police officers following graduation, manage salary compression, increase the starting salary of communications officers, and increase the salary of support and wage employees.)

	Item 9 #1s	
Legislative Department	FY20-21	FY21-22
Dr. Martin Luther King, Jr. Memorial Commission	\$0	\$50,000 GF

Language:

Page 18, line 20, strike "\$50,643" and insert "\$100,643".

Page 18, after line 26, insert:

"Authority: Title 30, Chapter 27, Code of Virginia.

Included within the appropriation for this Item is \$50,000 the second year from the general fund for the Dr. Martin Luther King, Jr. Memorial Commission to complete a pre-planning study to locate a memorial tribute to the late Senator Yvonne Miller on Virginia's Capitol Square or another location. The Department of General Services shall consult with the Commission, if requested by the Commission, to provide its capital project pre-planning expertise and Capitol Square operation and maintenance knowledge to the Commission as it formulates its study findings. The Commission will complete its pre-planning study and report its findings to the Governor, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than November 1, 2021. The Department of General Services shall be compensated for its services provided to the Commission from the funds authorized in this Item."

Explanation:

(This amendment provides \$50,000 GF the second year for the Dr. Martin Luther King, Jr. Memorial Commission, with the assistance of the Department of General Services, to begin the process of creating a memorial in tribute to the late Senator Yvonne Miller.)

		Item 29.1 #1s	
Legislative Department	FY20-21	FY21-22	
Behavioral Health Commission	\$0 0.00	\$348,744 4.00	GF FTE

Language:

Page 26, after line 31, insert:

**"LEGISLATIVE DEPARTMENT
§ 1-8.5. Behavioral Health Commission**

29.1 Behavioral Health Commission	\$0	\$348,774
Fund Sources: General	\$0	\$348,774 "

Explanation:

(This amendment provides \$348,774 GF the second year for the establishment of a legislative Behavioral Health Commission as provided for in Senate Bill 1273. The requested amount is for four positions and associated office-related costs that are phased-in over the year to reflect the timing necessary to startup the Commission.)

Item 33 #1s

Legislative Department	FY20-21	FY21-22	
Virginia Commission on Intergovernmental Cooperation	\$42,397	\$66,377	GF

Language:

Page 31, line 15, strike "\$780,935" and insert "\$823,332".

Page 31, line 15, strike "\$780,935" and insert "\$847,312".

Explanation:

(This amendment provides \$42,397 GF the first year and \$66,377 GF the second year to fully fund the amount projected for dues specified in this Item.)

Item 36 #1s

Judicial Department	FY20-21	FY21-22	
Supreme Court	\$0	\$100,000	GF

Language:

Page 33, line 4, strike "\$14,594,927" and insert "\$14,694,927".

Explanation:

(This amendment provides \$100,000 GF the second year to fund the potential increase in the use of court-appointed experts caused by the passage of SB 1315 of the 2021 General Assembly, which broadens defendants' ability to introduce evidence regarding their mental state at the time of an alleged defense, dependent upon its final passage.)

Item 39 #1s

Judicial Department		Language
Supreme Court		

Language:

Page 36, after line 9, insert:

"P. The Office of the Executive Secretary of the Supreme Court shall prepare and distribute evaluation forms in all Circuit Court cases that are overseen by a retired judge for the purpose of collecting information on the number and types of cases referred to retired judges, and use such information to prepare and annually publish a report to be distributed to the members of the House Committee on Courts of Justice and the Senate Committee on the Judiciary, on or

about January 1, each year."

Explanation:

(This amendment requires the Supreme Court of Virginia (SCV) to distribute evaluation forms in all Circuit Court cases that are overseen by a retired judge, to collect the results of the evaluation forms and publish the findings to the members of the House Courts of Justice Committee and Senate Committee on the Judiciary. As a part of that report, the SCV will also report back on the number and types of cases referred to retired judges.)

		Item 40 #1s	
Judicial Department	FY20-21	FY21-22	
Court of Appeals of Virginia	\$1,064,609 27.00	\$2,736,885 25.00	GF FTE

Language:

Page 36, line 24, strike "\$10,183,547" and insert "\$11,248,156".
 Page 36, line 24, strike "\$15,460,379" and insert "\$18,197,264".

Explanation:

(This amendment provides \$1.1 million GF and 27 FTE positions in FY 2021 and \$2.7 million GF and 25 FTE positions in FY 2022 for fixed costs and the prorated portion for 27 judicial staff positions in the first year and funding for two additional judgeships and 23 support positions, including clerk, IT and support staff, additional transcripts, and office accommodations in the second year associated with SB 1261 of the 2020 General Assembly Session, which expands the jurisdiction of the Court of Appeals. This is in addition to the funding of \$235,419 GF the first year and \$4.9 million GF for four judgeships and 27 staff positions in the second year included in the Governor's Introduced Budget, SB 1100.)

		Item 41 #1s	
Judicial Department	FY20-21	FY21-22	
Circuit Courts	\$0	(\$421,117)	GF

Language:

Page 37, line 12, strike "\$112,595,520" and insert "\$112,174,403".

Explanation:

(This amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for

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Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 42 #1s	
Judicial Department	FY20-21	FY21-22
General District Courts	\$0	(\$486,803) GF

Language:

Page 39, line 18, strike "\$128,797,150" and insert "\$128,310,347".

Explanation:

(The amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 43 #1s	
Judicial Department	FY20-21	FY21-22
Juvenile and Domestic Relations District Courts	\$0	(\$171,931) GF

Language:

Page 40, line 20, strike "\$107,020,623" and insert "\$106,848,692".

Explanation:

(The amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 48 #1s	
Judicial Department	FY20-21	FY21-22
Indigent Defense Commission	\$0	(\$2,909,010) GF

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$60,239,840".

Page 43, after line 34, insert:

"E. Within the appropriation for this Item, \$1,019,506 in the second year from the general fund

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for Capital Indigent Defense Services (32702), shall be reallocated to Criminal Indigent Defense Services (32701), and the remaining funding contained within (32702) shall revert to the general fund, pursuant to Senate Bill 1165, of the 2021 General Assembly Session, which repeals the death penalty."

Explanation:

(This amendment redirects \$1.0 million GF the second year for Capital Indigent Defense Services to Criminal Indigent Defense Services within the Indigent Defense Commission, and reverts remaining funding currently appropriated for Capital Indigent Defense Services, pursuant to SB 1165, of the 2021 General Assembly Session repealing the death penalty, contingent upon its final passage.)

		Item 48 #2s	
Judicial Department	FY20-21	FY21-22	
Indigent Defense Commission	\$0	\$3,164,584	GF
	0.00	33.00	FTE

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$66,313,434".

Explanation:

(The amendment provides \$3.2 million GF and 33 positions in FY 2022, which represents the cost and staffing necessary to establish a public defender office for Chesterfield County, pursuant to SB 1442, of the 2021 General Assembly Session, contingent upon its final passage. Companion amendments to Items 41, 42, and 43 reduce estimated Criminal Fund (GF) court-appointed attorney prorated costs based on projected first year savings from opening the office, and a companion amendment to Item 48 redirects a portion of funding currently appropriated for Capital Indigent Defense Services, due to the passage of SB 1165, of the 2021 General Assembly Session, which repealed the death penalty.)

		Item 48 #3s	
Judicial Department	FY20-21	FY21-22	
Indigent Defense Commission	\$0	\$824,277	GF
	0.00	8.00	FTE

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$63,973,127".

Explanation:

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(This amendment provides \$824,277 GF and 8.0 FTE attorney positions in FY 2022 related to SB 1261 of the 2021 General Assembly Session, which expands the jurisdiction of the Court of Appeals, contingent on its final passage.)

	Item 49 #1s		
Judicial Department	FY20-21	FY21-22	
Virginia Criminal Sentencing Commission	\$0 0.00	\$333,200 2.00	GF FTE

Language:

Page 43, line 45, strike "\$1,240,651" and insert "\$1,573,851".

Explanation:

(This amendment provides \$333,200 GF and 2.0 FTE positions in FY 2022 for costs associated with SB 1391 of the 2021 General Assembly, which is a recommendation of the Virginia State Crime Commission, contingent upon its final passage.)

	Item 57 #1s		
Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	\$7,547,029 61.00	GF FTE

Language:

Page 48, line 42, strike "\$38,488,923" and insert "\$46,035,952".

Explanation:

(This amendment provides \$7.5 million GF and 61.00 FTE positions, including 48 attorney positions and 13 administrative support staff positions, associated with SB 1261 of the 2021 General Assembly Session, which expands the jurisdiction of the Court of Appeals, contingent on its final passage.)

	Item 68 #1s		
Administration	FY20-21	FY21-22	
Compensation Board	\$0	\$600,000	GF

Language:

Page 55, line 45, strike "\$499,752,342" and insert "\$500,352,342".

Explanation:

(This amendment provides \$600,000 GF the second year for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to provide automated protective order notification services as an enhancement to the Statewide Automated Victim Notification System (SAVIN).)

Item 73 #1s

Administration

Compensation Board

Language

Language:

Page 69, after line 6, insert:

"O. Notwithstanding § 17.1-275, Code of Virginia, and any other provision of law, the marriage license fee shall be increased from \$30 to \$50. All marriage license fee revenue collected by the circuit court clerks, less \$30 per marriage license, shall be used exclusively to support compensation increases for the clerk and deputy clerks of the circuit courts."

Explanation:

(This amendment increases the marriage license fee to \$50 and specifies that any additional revenues shall be used exclusively for compensation increases for the clerk and deputy clerks of the circuit courts.)

Item 73 #2s

Administration

Compensation Board

Language

Language:

Page 69, after line 6, insert:

"O. Notwithstanding § 17.1-275, Code of Virginia, and any other provision of law, the divorce filing fee shall be increased from \$86 to \$100. All divorce filing fee revenue collected by the circuit court clerks, less \$86 per divorce filing, and less any revenue directed to the Courts Technology Fund established under §17.1-132, Code of Virginia, shall be used exclusively to support compensation increases for the clerk and deputy clerks of the circuit courts."

Explanation:

(This amendment increases the divorce filing fee to \$100 and specifies that any additional revenues, less that already directed to the Courts Technology Fund, shall be used exclusively for compensation increases for the clerk and deputy clerks of the circuit courts.)

Item 75 #2s

Administration	FY20-21	FY21-22	
Compensation Board	\$0	\$250,000	GF

Language:

Page 70, line 16, strike "\$5,514,904" and insert "\$5,764,904".

Page 73, after line 41, insert:

“V.1. Pursuant to SB 1226 of the 2021 General Assembly, the Compensation Board shall work with the Virginia Association of Commonwealth's Attorneys to examine the staffing standards used to determine the number of positions needed for allocation to Commonwealth's Attorneys' offices statewide and revise the duties and workload measures used as the basis for determining the allocation of new positions, such that the standards are not based solely on metrics related to felony charges and convictions. The examination shall identify funding needs to support staffing for statutorily prescribed duties while also identifying funding needs for participation in special programs, discretionary duties, and current local supplemental funds allocated. To assist in this goal, the Compensation Board shall contract with the National Center for State Courts to perform a time study as to the comprehensive duties and responsibilities of Commonwealth's Attorneys' offices including, but not limited to, “in-court” obligations, the use of diversion programs and specialty dockets, expungement/rights restoration volume as well as other obligations reflected in the *Code of Virginia* (e.g. duties prescribed under §15.2-1627, et seq). The study shall identify objective metrics for inclusion in the revised staffing standard. Included within this appropriation is \$250,000 in the second year from the general fund for the purpose of contracting with the Center to perform the study. All Commonwealth's Attorneys shall participate in the study as needed and identified by the Compensation Board and the National Center for State Courts.

2. The Compensation Board shall provide a status report on the progress of the study and participants to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021. The Compensation Board shall deliver a report containing the results of the study, anticipated costs, and staffing standards methodology revisions under review or approved by the Board to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2022.”

Explanation:

(This amendment provides \$250,000 GF in FY 2022 for the Compensation Board to contract with the National Center for State Courts to assist the Compensation Board in a study, working in collaboration with the Virginia Association of Commonwealth's Attorneys, of the staffing standards for Commonwealth's Attorney's offices, to revise the workload measures used as the basis for the allocation of new positions so that they are not based solely on metrics related to felony charges and convictions. The budget language is supplemental to the provisions of SB 1226 of the 2021 General Assembly.)

Item 75 #3s

Administration

Compensation Board

Language

Language:

Page 73, after line 41, insert:

"V. The Compensation Board shall review the plan to be developed by the Department of Criminal Justice Services by July 1, 2021 outlining law enforcement agencies' roles and engagement with the development of the Mental Health Awareness Response and Community Understanding Services Alert System, established pursuant to House Bill 5043 and Senate Bill 5038 of the 2020 Special Session I of the General Assembly, and shall survey sheriffs' offices to determine anticipated costs to support staffing and training needs to meet the requirements established by the plan. The Compensation Board shall provide a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021 of the findings of the survey and estimated costs to meet the requirements established by the plan."

Explanation:

(This amendment adds language directing the Compensation Board to review the plan to be developed by the Department of Criminal Justice Services by July 1, 2021 outlining law enforcement agencies' roles and engagement with the development of the Mental Health Awareness Response and Community Understanding Services Alert System, established pursuant to House Bill 5043 and Senate Bill 5038 of the 2020 Special Session I of the General Assembly and to provide a report to the Chairs of the Money Committees by November 1, 2021.)

Item 83 #2s

Administration

Department of Human Resource Management

Language

Language:

Page 82, after line 28, insert:

"N.1. In order to ensure the continuity of state government operations during the COVID-19 pandemic, the Department of Human Resource Management (DHRM), and with the assistance of all other state agencies upon their request, shall establish the criteria and develop a return-to-work policy for all state employees presently working remotely on either a partial or full-time basis, pursuant to applicable federal and state guidelines.

2. Furthermore, DHRM, in collaboration with the Department of General Services, the Virginia Information Technologies Agency, and any other state agency upon request, shall examine the Commonwealth's existing telework policies, and how agency program and service delivery tools and methodologies employed during the COVID-19 pandemic may inform future policy objectives regarding the use of telework and alternative work schedules as a means of achieving administrative efficiencies, and reducing cost, and sustaining the hiring and retention of a highly qualified workforce. DHRM shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees on its findings, and suggested policies, instructions and guidelines by September 1, 2021."

Explanation:

(This amendment directs the Department of Human Resource Management, in collaboration with other state agencies, to develop return-to-work policies for state government employees to ensure the continuity and performance of state government operations, to examine agency performance and service delivery, and to examine the Commonwealth's telework policies and how they may inform future policy objectives. A report on such findings and recommendations is due to the Governor and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021.)

	Item 87 #1s	
Administration	FY20-21	FY21-22
Department of Elections	\$0	\$2,534,575 GF

Language:

Page 85, line 51, strike "\$6,275,378" and insert "\$8,809,953".

Explanation:

(This amendment restores the full reimbursement for compensation for general registrars and electoral board members that was included in the budget as passed in March 2020, but unallotted in April and removed during the 2020 Special Session I.)

	Item 92 #1s
Administration	
Virginia Information Technologies Agency	Language

Language:

Page 90, after line 41, insert:
"F. The Virginia Information Technologies Agency shall provide a network infrastructure report to the House Appropriations Committee, Senate Finance and Appropriations Committee, and

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Joint Legislative Audit and Review Commission by November 1 of each year. The report shall indicate whether the Commonwealth's network infrastructure is adequate to meet the needs of state agencies, and if not, identify any needed upgrades. For each network infrastructure upgrade identified, the report shall specify the estimated cost and whether the upgrade is to the portion of the network maintained by the Virginia Information Technologies Agency or another state agency."

Explanation:

(This amendment directs the Virginia Information Technologies Agency (VITA) to report, by November 1 of each year, on the adequacy of the Commonwealth's network infrastructure maintained by either VITA or another state agency, and any potential upgrades needed, and associated costs. This language is a recommendation of the Joint Legislative Audit and Review Commission.)

	Item 95 #1s	
Agriculture and Forestry	FY20-21	FY21-22
Department of Agriculture and Consumer Services	\$0	(\$100,000) GF

Language:

Page 94, line 13, strike "\$5,642,932" and insert "\$5,542,932".
Page 94, line 20, strike "\$600,000" and insert "\$500,000".
Page 94, line 23, strike "legislation to be", and insert "the provisions of Senate Bill 1188 of".
Page 94, line 24, strike "considered by".

Explanation:

(This amendment reduces by \$0.1 million GF the proposed deposit to the Virginia Agriculture Food Assistance Program established pursuant to SB 1188 of the 2020 General Assembly. The Committee amendments provide a total of \$500,000 for this new initiative beginning in FY 22.)

	Item 97 #1s	
Agriculture and Forestry	FY20-21	FY21-22
Department of Agriculture and Consumer Services	\$250,000	\$0 GF

Language:

Page 94, line 40, strike "\$23,620,243" and insert "\$23,870,243".
Page 96, unstrike line 15 through line 16.

Explanation:

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(This amendment restores \$250,000 GF in the first year for the Holiday Lake 4-H Center that was approved in 2020 Regular Session and subsequently unallotted. Holiday Lake is an evacuation location for several public school systems in Central Virginia.)

Item 97 #2s

Agriculture and Forestry

FY20-21

FY21-22

Department of Agriculture and
Consumer Services

\$0

\$131,649 GF

Language:

Page 94, line 41, strike "\$21,892,069" and insert "\$22,023,718".

Page 96, line 8, strike "\$1,120,226" and insert "\$1,620,226".

Explanation:

(This amendment increases funding for the International Marketing activities of the Virginia Department of Agriculture and Consumer Services by \$0.1 million GF in the second year to restore reductions included in Chapter 1289 of the 2020 General Assembly.)

Item 105 #1s

Agriculture and Forestry

Department of Agriculture and Consumer Services

Language

Language:

Page 99, following line 18, insert:

"D. The Office of the State Inspector General shall, with the assistance of the Office of Charitable and Regulatory Programs, review the regulatory structure of charitable gaming in Virginia, to include, at a minimum: (i) current permitting requirements and exemptions, (ii) net revenue dedicated to charitable activities and which types of gaming revenue is excluded from this calculation, (iii) charitable gaming occurring in remote locations not located in the same jurisdiction as the registered address of the charitable organization, (iv) enforcement of the "social quarters" and "members and guests" limitation, (v) the structure of the Charitable Gaming Board including any changes needed to prevent conflicts of interest, (vi) the adequacy of enforcement and resources dedicated to oversight activities of the Office of Charitable and Regulatory Programs, and (vii) whether regulation of charitable gaming would be more appropriately vested with the Virginia Lottery. The Office of the State Inspector General shall report on their findings to the General Assembly no later than December 1, 2021."

Explanation:

(This amendment directs the Office of the State Inspector General to investigate the operations

of the Charitable Gaming Board and recommend any changes needed to prevent conflicts of interest, including an assessment of whether responsibility for the regulation of charitable gaming should be placed under the Virginia Lottery.)

	Item 107 #1s	
Agriculture and Forestry	FY20-21	FY21-22
Department of Forestry	\$0	(\$316,146) GF

Language:

Page 99, line 47, strike "\$37,431,710" and insert "\$37,115,564".

Explanation:

(This amendment removes funding for a proposed new initiative between the Department of Forestry and the Virginia Department of Emergency Management. A companion amendment reverses the proposed new initiative at VDEM.)

	Item 112 #1s	
Commerce and Trade	FY20-21	FY21-22
Economic Development Incentive Payments	\$0	\$6,330,000 GF

Language:

Page 105, line 19, strike "\$58,585,483" and insert "\$64,915,483".

Page 107, after line 47, insert:

"O. Out of the appropriation in this Item, \$6,330,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified shipping and logistics company in a qualified locality in accordance with legislation to be considered by the 2022 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth."

Explanation:

(This amendment provides \$6.3 million the second year from the general fund for the award of grants to a qualified shipping and logistics company. This is part of an incentives package for an economic development project endorsed by the Major Employment and Investment (MEI) Project Approval Commission.)

Item 112 #2s

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Commerce and Trade	FY20-21	FY21-22	
Economic Development Incentive Payments	\$0	\$1,000,000	GF

Language:

Page 105, line 19, strike "\$58,585,483" and insert "\$59,585,483".

Page 106, line 23, strike "\$3,000,000" and insert "\$4,000,000".

Explanation:

(This amendment provides \$1.0 million the second year from the general fund for the Governor's Motion Picture Opportunity Fund, restoring second year funding that was previously unallotted.)

Item 113 #1s

Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	(\$15,700,000)	\$0	GF

Language:

Page 108, line 13, strike "\$168,760,089" and insert "\$153,060,089".

Page 109, line 5, strike "\$70,700,000" and insert "\$55,000,000".

Page 109, line 15, strike "\$28,200,000" and insert "\$12,500,000".

Page 109, after line 48, insert:

"5. It is the intent of the General Assembly that funds from Virginia's allocation of moneys distributed under the federal Consolidated Appropriations Act, P.L. 116-260 (2020) for rental assistance be designated to continue the Virginia Rent and Mortgage Relief Program, and that such funds be given priority over general fund appropriations provided in paragraph E.1. of this item in supporting the continuation of the Virginia Rent and Mortgage Relief Program."

Explanation:

(This amendment reduces the GF appropriation to the Virginia Housing Trust Fund intended to support the Virginia Rent and Mortgage Relief Program and directs that funding distributed under the federal Consolidated Appropriations Act, P.L. 116-260 (2020) for rental assistance be designated as the primary source of funding for the Commonwealth's rental assistance program.)

Item 114 #1s

Commerce and Trade	FY20-21	FY21-22	
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Department of Housing and Community Development	\$0	\$500,000	GF
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Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$129,038,362".

Page 112, line 32 strike "\$2,500,000" and insert "\$3,000,000".

Page 112, line 34, strike "each year" and insert "the first year and \$1,500,000 the second year."

Explanation:

(This amendment would provide an additional \$500,000 GF the second year for the Industrial Revitalization Fund and designate the increase for the removal, renovation or modernization of port-related buildings and facilities in the cities of Portsmouth, Norfolk, Newport News, Richmond, or Front Royal.)

Item 114 #2s

Commerce and Trade

FY20-21

FY21-22

Department of Housing and Community Development	\$0	\$500,000	GF
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Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$129,038,362".

Page 114, after line 46, insert:

"O. Out of the amounts in this Item, \$500,000 the second year from the general fund is provided for the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission designated for initiatives intended to expand education and telehealth access. Such funds for grants shall be managed by the Virginia Coalfield Economic Development Authority."

Explanation:

(This amendment would provide \$500,000 GF the second year for the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission designated for initiatives intended to expand education and telehealth access. Funding for grants would be managed by the Virginia Coalfield Economic Development Authority.)

Item 114 #3s

Commerce and Trade

FY20-21

FY21-22

Department of Housing and Community Development	\$0	\$10,000,000	GF
	0.00	3.00	FTE

Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$138,538,362".

Page 114, after line 46, insert:

“O.1. Out of the amounts in this Item, \$10,000,000 the second year from the general fund is provided to establish a special, non-reverting Virginia Community Development Financial Institutions (CDFI) Fund to provide grants to community development financial institutions (CDFIs), community development enterprises (CDE), or other such similar entities as permitted by law, whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small businesses or community revitalization real estate projects in Virginia. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. Of the amounts included in this paragraph, up to \$300,000 the second year from the general fund is provided to the Department for administrative costs.

2. The Department is hereby authorized to develop appropriate criteria and guidelines for the use of funding provided to the Virginia Community Development Financial Institution Fund. The Department shall award grant funding based on these criteria and guidelines and may enter into a contractual agreement with eligible CDFIs or similar private entities to make grants and lending to small businesses adversely impacted by the COVID pandemic. An eligible qualifying CDFI shall be a community development bank, community development credit union, or other similar private entity that the Department finds is (i) established to conduct business legally within the Commonwealth; (ii) subject to oversight by federal or state financial institutions or insurance regulatory agencies, as appropriate; and (iii) eligible for certification by the U.S. Department of Treasury as a community development financial institution or other similar charter or principles which require support of small businesses.

3. The community development bank, community development credit union, or other similar organization is intended to be a source of targeted lending and investment with the capacity to provide a high degree of leveraging for economic development and business support activities within communities throughout the Commonwealth. These activities may include loans and investments to start or expand small businesses, operating and working capital, property renovation or development, and financial services with a focus on small businesses impacted by the COVID pandemic. The entity may also provide services that help ensure that credit is used effectively, such as technical assistance to small businesses and credit counseling to consumers.

4. On or before December 1 of each year, the Department shall report to the Secretary of Commerce and Trade, the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on such other matters regarding the Fund as the Department may deem appropriate, including the amount of funding committed to projects from the Fund, or other items as may be requested by any of the foregoing persons to whom such report is to be submitted."

Explanation:

(This amendment establishes the Virginia CDFI Fund (the Fund) within the Department of Housing and Community Development which may be comprised of appropriations, grants and loans from federal, state and private sources, and other types of financial assistance, to provide capital through grants to community development financial institutions (CDFIs), community development enterprises (CDE), or other such similar entities as permitted by law, whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small business or community revitalization real estate projects in Virginia. The amendment provides \$10.0 million GF the second year to capitalize the Fund.)

Item 114 #4s

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 114, line 46, after "basis.", insert:

"O. The Commission on Local Government shall review the fiscal effects of mandatory property tax exemptions on the capacity of local governments to deliver essential services to the public. As part of the review, the Commission shall ascertain the impact of the exemptions on property tax collections, the shift to and reliance on other local revenues to compensate for exempted properties, the additional fiscal stress placed on non-exempted properties and non-exempted local taxpayers, and the ability of local governments to meet spending needs. In addition, the Commission shall develop and include in its review potential recommendations to mitigate the fiscal impacts on local governments tied to these state tax exemption initiatives. The Commission shall report its findings to the Governor, the Joint Subcommittee on Local Government Fiscal Stress, and the Chairs of the Senate Committee on Finance and Appropriations, the House Committee on Finance, and the House Committee on Appropriations by November 1, 2021."

Explanation:

(This amendment directs the Commission on Local Government to undertake a review of the effects of mandatory property tax exemptions on local governments and recommend potential options for mitigating their fiscal impacts.)

Item 114 #5s

Commerce and Trade

Department of Housing and Community Development

Language

Language:

February 10, 2021 - Amendments to SB 1100, As Introduced

Page 113, line 8, after "private sector", insert ", except as provided for in paragraph L.6. of this item, ".

Page 113, after line 36, insert:

"6. The Department shall create a pilot program within VATI, with awards not to exceed 10 percent of total available VATI funds in fiscal year 2022, to which public broadband authorities may apply without investment from the private sector."

Explanation:

(This amendment directs the Department of Housing and Community Development to create a pilot program within VATI, with awards not to exceed 10 percent of total available VATI funds in FY22, to which public broadband authorities may apply without investment from the private sector. This is the recommendation of the Broadband Advisory Council.)

	Item 114 #6s	
Commerce and Trade	FY20-21	FY21-22
Department of Housing and Community Development	\$0	\$294,000 GF

Language:

- Page 110, line 42, strike "\$128,538,362" and insert "\$128,832,362".
- Page 111, line 11, strike "\$75,971" and insert "\$89,971".
- Page 111, line 15, strike "\$75,971" and insert "\$89,971".
- Page 111, line 20, strike "\$75,971" and insert "\$89,971".
- Page 111, line 22, strike "\$75,971" and insert "\$89,971".
- Page 111, line 24, strike "\$75,971" and insert "\$89,971".
- Page 111, line 26, strike "\$75,971" and insert "\$89,971".
- Page 111, line 28, strike "\$75,971" and insert "\$89,971".
- Page 111, line 30, strike "\$151,943" and insert "\$165,943".
- Page 111, line 32, strike "\$75,971" and insert "\$89,971".
- Page 111, line 34, strike "\$75,971" and insert "\$89,971".
- Page 111, line 36, strike "\$75,971" and insert "\$89,971".
- Page 111, line 38, strike "\$75,971" and insert "\$89,971".
- Page 111, line 40, strike "\$75,971" and insert "\$89,971".
- Page 111, line 42, strike "\$75,971" and insert "\$89,971".
- Page 111, line 44, strike "\$113,957" and insert "\$127,957".
- Page 111, line 46, strike "\$75,971" and insert "\$89,971".
- Page 112, line 1, strike "\$75,971" and insert "\$89,971".
- Page 112, line 3, strike "\$75,971" and insert "\$89,971".
- Page 112, line 5, strike "\$75,971" and insert "\$89,971".
- Page 112, line 7, strike "\$75,971" and insert "\$89,971".
- Page 112, line 9, strike "\$151,943" and insert "\$165,943".

Explanation:

(This amendment provides an additional \$294,000 the second year from the general fund to provide each of the 21 Planning District Commissions with an increase of \$14,000 per year. The 2020 Appropriation Act provided this amount in both years of the biennium; however, the increase was unallotted due to COVID-19 impacts to the state budget.)

		Item 115 #1s	
Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$0	\$250,000	GF

Language:

Page 114, line 48, strike "\$14,789,114" and insert "\$15,039,114".
 Page 114, line 56, strike "\$14,500,000" and insert "\$14,750,000".

Explanation:

(This amendment restores \$250,000 GF the second year that was unallotted and subsequently reduced in the Enterprise Zone program.)

		Item 120 #1s	
Commerce and Trade	FY20-21	FY21-22	
Department of Labor and Industry	(\$175,073)	(\$500,290)	GF

Language:

Page 116, line 14, strike "\$1,773,255" and insert "\$1,598,182".
 Page 116, line 14, strike "\$2,520,193" and insert "\$2,019,903".
 Page 116, line 18, strike "\$596,794" and insert "\$421,721".
 Page 116, line 18, strike "\$1,343,732" and insert "\$843,442".

Explanation:

(This amendment removes funding in the amounts of \$175,073 the first year and \$500,290 the second year from the general fund for the Labor and Employment Law Division. This is funding that was included in Chapter 1289, 2020 Acts of Assembly, to support implementation and enforcement of the provisions of SB 481 (2020), which ultimately did not pass.)

Item 128 #1s

Commerce and Trade

Department of Small Business and Supplier Diversity

Language

Language:

Page 122, after line 37, insert:

"I.1. Notwithstanding § 2.2-1604, Code of Virginia, "Small business" shall be defined as a business that is at least 51 percent independently owned and controlled by one or more individuals, or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, is at least 51 percent independently controlled by one or more members, who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business.

2. Notwithstanding § 2.2-4310, Code of Virginia, and for purposes of the Commonwealth's SWaM program certification, "Small business" shall mean (i) a business, independently owned and controlled by one or more individuals, or (ii) in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, controlled by one or more members, who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business."

Explanation:

(This amendment amends the definition of small business to include certain co-ops.)

		Item 130 #1s	
Commerce and Trade	FY20-21	FY21-22	
Virginia Economic Development Partnership	\$0	\$2,000,000	GF

Language:

Page 123, line 44, strike "\$40,302,309" and insert "\$42,302,309".

Page 124, line 49, after "the first year and", strike "\$5,020,387" and insert "\$7,020,387".

Explanation:

(This amendment provides an additional \$2.0 million GF the second year for the Talent Accelerator Program to provide custom recruitment and training services for high-value projects creating new jobs in Virginia. Funding supports staff compensation and benefits, contract trainers, program support, client recruitment, travel and other expenses.)

Item 130 #2s

Commerce and Trade	FY20-21	FY21-22	
Virginia Economic Development Partnership	\$0	\$930,000	GF

Language:

Page 123, line 44, strike "\$40,302,309" and insert "\$41,232,309".

Page 125, after line 4, insert:

"M. Out of the amounts in this item, \$930,000 the second year from the general fund is provided to support implementation of Virginia's International Trade Plan."

Explanation:

(This amendment provides \$930,000 GF the second year to support initiatives identified in the International Trade Plan.)

Item 131 #1s

Commerce and Trade	FY20-21	FY21-22	
Virginia Employment Commission	\$0	(\$6,752,701)	GF

Language:

Page 125, line 13, strike "\$574,596,796" and insert "\$567,844,095".

Page 126, line 11, strike "\$7,502,701" and insert "\$750,000".

Explanation:

(This amendment updates the estimated interest on federal cash advances for unemployment insurance benefits.)

Item 134 #1s

Commerce and Trade		Language
Virginia Tourism Authority		

Language:

Page 127, line 27, strike "Coalfield Regional Tourism Authority" and insert "Heart of Appalachia Tourism Authority".

Explanation:

(This amendment updates a reference to the Coalfield Regional Tourism Authority to the Heart

of Appalachia Tourism Authority in accordance with the name change effectuated in SB 1399. This is a technical amendment.)

	Item 134 #2s	
Commerce and Trade	FY20-21	FY21-22
Virginia Tourism Authority	\$0	\$2,140,000 GF

Language:

Page 126, line 39, strike "\$21,093,272" and insert "\$23,233,272".

Page 128, after line 20, insert:

"M. Out of the amounts in this Item, \$2,140,000 the second year from the general fund is provided for grants to promote tourism in accordance with the provisions of Senate Bill 1398, as enacted during the 2021 Regular Session of the General Assembly."

Explanation:

(This amendment provides \$2,140,000 the second year from the general fund for grants to promote tourism pursuant to SB 1398. This is the amount of estimated GF revenue raised by sales tax imposed on accommodations fees.)

	Item 135 #1s	
Commerce and Trade	FY20-21	FY21-22
Virginia Innovation Partnership Authority	\$0	\$1,400,000 GF

Language:

Page 128, line 28, strike "\$40,450,000" and insert "\$41,850,000".

Page 132, line 16, strike "\$925,000" and insert "\$1,925,000".

Page 132, line 29, after "and" strike the remainder of the line.

Page 132, strike lines 30 through 31, and insert:

"(iv) grants to CCAM for seedling research project costs that enable CCAM to market new research programs to prospective and existing industry members. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 39, after "facility." insert: "These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, after line 39, insert:

"4. Out of the appropriation in this item, VIPA shall provide \$400,000 the second year from the general fund to CCAM for the purposes of: (i) attracting federal funds for research projects to be conducted at CCAM, including marketing, travel, grant proposal writing, and business development costs; (ii) matching funds for federal research programs; and (iii) federal research

program costs not reimbursable on federal research awards. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 40, strike "4" and insert "5".

Page 132, line 42, strike "5" and insert "6".

Page 132, line 48, after "disbursements;" insert:

"(iv) all efforts and costs associated with obtaining federal research grants".

Page 132, line 48, strike "iv" and insert "v".

Explanation:

(This amendment provides an increase of \$1.0 million GF in rent, operating support and maintenance for the Center for Advanced Manufacturing (CCAM), bringing the total to \$1.9 million in both FY 2021 and FY 2022. It includes increased flexibility on currently appropriated matching funds and provides an additional \$400,000 in GF resources for CCAM to attract federal funds.)

	Item 135 #2s	
Commerce and Trade	FY20-21	FY21-22
Virginia Innovation Partnership Authority	\$0	\$100,000 GF

Language:

Page 128, line 28, strike "\$40,450,000" and insert "\$40,550,000".

Page 134, after line 16, insert:

"S.1. Out of the appropriation in this item, \$100,000 the second year from the general fund is provided for the Virginia Nuclear Energy Consortium Authority (VNECA) for the purpose of developing a proposal to create a nuclear research and innovation hub in Virginia. In creating this proposal, VNECA shall convene a workgroup that includes, but is not limited to, the Department of Minerals, Mines and Energy, the Virginia Economic Development Partnership, the Virginia Innovation Partnership Authority, Virginia public colleges and universities, and relevant industry representatives.

2. VNECA shall submit a report that includes planning activities and the final proposal to the Secretary of Commerce and Trade, Secretary of Education, Chairs of the House Appropriations Committee, the House Labor and Commerce Committee, the Senate Finance and Appropriations Committee, and the Senate Commerce and Labor Committee no later than November 1, 2021."

Explanation:

(This amendment provides \$100,000 GF the second year for the Virginia Nuclear Energy Consortium Authority as a one-time planning grant to develop a nuclear research and

innovation hub in Virginia.)

Item 137 #1s

Education

Department of Education, Central Office Operations

Language

Language:

Page 139, after line 29, insert:

"Q. The Superintendent of Public Instruction shall convene a workgroup to make recommendations on the staffing standards for school nurses in local school divisions. The workgroup shall include recommendations on: (i) the appropriate staffing ratio of school nurses; and (ii) the desired qualifications and training for school nurses. The workgroup shall include at least (i) the Secretary of Education; (ii) two local school division representatives, including one superintendent; (iii) a member of a local school board; (iv) two school nurses; and (v) one member of the Board of Education. The recommendations shall be submitted to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2021. Such recommendations shall detail any necessary legislative or budgetary changes to implement recommendations."

Explanation:

(This amendment directs the Superintendent of Public Instruction to convene a workgroup to make recommendations on the staffing standards for school nurses. The recommendations shall include the appropriate school nurse staffing ratio and the required qualifications and training for school nurses.)

Item 137 #2s

Education

Department of Education, Central Office Operations

Language

Language:

Page 139, after line 29, insert:

"Q. To support the development and administration of a growth assessment system, \$10,000,000 in federal relief funds are provided from the federal funds reserved by the Department of Education from the Coronavirus Response and Relief Supplemental Appropriations Act, (P.L. 116-260) for such purpose. The system shall include diagnostic assessments in the fall and winter and a growth measurement assessment administered in the spring to measure student progress and competency in grades three through eight in English and mathematics for use in the 2021-2022 and 2022-2023 school year, pursuant to the provisions in Senate Bill 1357 of the 2021 General Assembly."

Explanation:

(This amendment provides \$10.0 million in federal relief funds for the Department of Education to provide and administer a diagnostic assessment tool for use in the 2021-22 and 2022-23 school year pursuant to the provisions of Senate Bill 1357.)

Item 138 #1s

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 11, insert:

"6. The Department of Education shall collect and publish data annually from each private special education day school on: (i) the number of teachers who are not fully endorsed in the content that they are teaching; (ii) the number of teachers who have less than one year of classroom experience; (iii) the number of teachers who are provisionally licensed; (iv) the type of academic credentials attained by each teacher and in what subjects; (v) the number of career and technical education credentials conferred by each school on its graduating students in each of the three prior academic years; (vi) each school's accreditation status, including the accrediting body; and (vii) the number of incidents of restraint and seclusion occurring in each of the previous three academic years."

Page 141, after line 14, insert:

"I. The Board of Education shall develop and promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements for restraint and seclusion as those for public schools."

Explanation:

(This amendment implements recommendation 8 and 9 from the 2020 JLARC report on the "Review of the Children's Services Act and Private Special Education Day School Costs".)

Item 138 #2s

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Department of Education shall develop and maintain a robust statewide plan for

improving (i) its ongoing oversight of local practices related to transition planning and services and (ii) technical assistance and guidance provided for post-secondary transition planning and services. The plan shall articulate how the Department will reliably and comprehensively assess the compliance and quality of transition plans for students with disabilities in Virginia on an ongoing basis and detail how the Department will communicate findings to local school division staff and local school boards. The plan shall be submitted to the Senate Education and Health and the House Education committees no later than December 1, 2022. The Department shall update those committees annually detailing its progress on implementing the plan."

Explanation:

(This amendment implements recommendation 9 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 138 #3s

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Department of Education shall develop clear and simplified guidance, in multiple languages, for families of students with disabilities explaining (i) the limitations of the applied studies diploma; (ii) key curriculum and testing decisions that reduce the likelihood of a student being able to obtain a standard diploma; and (iii) that pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma."

Explanation:

(This amendment implements recommendation 10 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 138 #4s

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Department of Education shall revise the state's special education complaint procedures and practices to ensure the Department requires and enforces corrective actions that (i) achieve full and appropriate remedies for school divisions' non-compliance with special education laws and regulations, including, at a minimum, requiring school divisions to provide compensatory

services to students with disabilities when the Department determines divisions did not provide legally obligated services; and (ii) ensure that relevant personnel understand how to avoid similar non-compliance in the future."

Explanation:

(This amendment implements recommendation 21 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 138 #5s

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Department of Education shall (i) conduct a one-time targeted review of the transition sections of a random sample of students' individualized education programs (IEPs) in each school division; (ii) communicate its findings to each local school division, school board, and local special education advisory committee; and (iii) ensure local school divisions correct any IEPs that are found out of compliance. The Department shall submit to the Senate Education and Health and the House Education Committees a letter certifying that school divisions have corrected all instances of non-compliance identified through these reviews, no later than May 1, 2022."

Explanation:

(This amendment implements recommendation 8 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 138 #6s

Education

FY20-21

FY21-22

Department of Education, Central Office Operations

\$0

\$300,000 GF

Language:

Page 139, line 30, strike "\$17,352,182" and insert "\$17,652,182".

Page 141. after line 14, insert:

"I. Out of this appropriation, \$300,000 the second year from the general fund is provided for the Department of Education to: (i) provide training and guidance documents to local school divisions on the development of individualized education programs (IEPs); (ii) develop a required training module for each individual who participates in an IEP meeting that

comprehensively addresses and explains in detail each IEP team member's respective role in the IEP meeting, the IEP development process, and components of effective IEPs; and (iii) conduct structured reviews of a sample of IEPs annually to verify that the IEPs are in compliance with state and federal laws and regulations."

Explanation:

(This amendment provides \$300,000 GF the second year for costs associated with implementation of Senate Bill 1288.)

	Item 139 #1s	
Education	FY20-21	FY21-22
Department of Education, Central Office Operations	\$0	(\$1,812,000) GF

Language:

Page 141, line 15, strike "\$39,750,487" and insert "\$37,938,487".

Explanation:

(This amendment captures savings in the amount of \$1.8 million GF from the reduction of Standards of Learning assessments to the minimum federal requirements, contingent on the passage of Senate Bill 1401.)

	Item 141 #1s
Education	
Department of Education, Central Office Operations	Language

Language:

Page 143, after line 46, insert:
"F. To support a school division's needs for an analytics solution to evaluate student progress and determine instructional gaps, the Department of Education may provide funds out of this appropriation as one-time grants to divisions to support the costs of such analytics solution."

Explanation:

(This amendment allows the Department of Education to provide one-time grants to divisions to support the costs of an analytics solution to evaluate student progress and determine instructional gaps.)

Item 141 #2s

Education

Department of Education, Central Office Operations

Language

Language:

Page 143, after line 46, insert:

"F. Virtual Education Supports

To continue the expansion of Virtual Virginia's Outreach Program initiated or expanded with federal funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), \$7,000,000 in Governor's Education Emergency Relief (GEER) funds from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) are provided to support the continued expansion costs in the second year."

Explanation:

(This amendment provides \$7.0 million in Governor's Education Emergency Relief Funds from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) to support the continued expansion of Virtual Virginia's learning management system and additional free course enrollment slots during the 2021-22 school year.)

Item 142 #1s

Education

Department of Education, Central Office Operations

Language

Language:

Page 144, after line 28, insert:

"G. 1. The Board of Education shall review and update its regulations of general education K-12 teacher preparation programs to ensure graduates are required to demonstrate proficiency in: (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the IEP team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

2. The Board of Education shall review and update its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of: (i) key special education laws and regulations; (ii) individualized education program (IEP) development; (iii) the roles and responsibilities of special education teachers; and (iv) appropriate behavior management practices."

Explanation:

(This amendment implements recommendation 15 and 17 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 142 #2s

Education

Department of Education, Central Office Operations

Language

Language:

Page 144, after line 28, insert:

"G. The Department of Education shall develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. At a minimum, the strategic plan shall (i) use data analyses to determine divisions' specific staffing needs on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of implementing each strategy, including the extent to which federal funds could be used to support implementation. The Department shall submit its plan to the Chairs of the House Education Committee and the Senate Education and Health Committee no later than November 1, 2021, and update those committees annually on its progress implementing the plan."

Explanation:

(This amendment implements recommendation 19 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

Item 144 #1s

Education

FY20-21

FY21-22

Direct Aid to Public Education

\$0

\$300,000

GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,369,426".

Explanation:

(This amendment provides \$300,000 GF the second year to restore the VPI Minority Fellowship. The introduced budget included the language, but the appropriated amount was not included in the Item.)

Item 144 #2s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$250,000	GF

Language:

Page 146, line 22, strike "\$43,069,426" and insert "\$43,319,426".

Page 147, after line 4, insert: "Dual Enrollment Passport Pilots \$0 \$250,000"

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$250,000 the second year from the general fund is provided for grants to support one-time pilot programs to school divisions to redesign dual enrollment course offerings to align/link to the Passport and Uniform Certificate of General Studies offered by Virginia's community colleges. Divisions awarded such grants shall collaborate with the local community college to effectively redesign the local school division's dual enrollment course offerings and increase the number of qualified teachers to teach dual enrollment courses. Divisions applying shall include: (i) an explanation of why such dual enrollment pilot program is warranted; (ii) the dual enrollment courses currently offered by the division; (iii) the projected student enrollment in dual enrollment courses; and (iv) the number of the division's employed staff qualified to teach dual enrollment and the number currently teaching a dual enrollment course. The Department of Education may consider in the awarding of a grant: (i) the division's local composite index; (ii) the level of misalignment in the division's dual enrollment course offerings to the Passport and Uniform Certificate of General Studies; and (iii) the division's level of dual enrollment course availability and current student enrollment in those courses. The Department of Education shall report, along with the divisions and community colleges, the components of the redesign and efforts to increase availability and participation in dual enrollment courses to the General Assembly by November 1, 2022. The Department of Education and the Virginia Community College System shall use these pilot programs to provide a comprehensive guide to every school division and community college to assist with aligning high school dual enrollment course offerings to the Passport and Uniform Certificate of General Studies."

Explanation:

(This amendment provides \$250,000 GF the second year for grants to support one-time pilot programs to redesign a division's dual enrollment course offerings to align/link to the Passport and Uniform Certificate of General Studies offered by Virginia's community colleges.)

Item 144 #3s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$250,000	GF

Language:

February 10, 2021 - Amendments to SB 1100, As Introduced

Page 146, line 23, strike "\$43,069,426" and insert "\$43,319,426".

Page 146, after line 33, insert: "Active Learning Grants \$0 \$250,000".

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$250,000 the second year from the general fund shall be provided for grants to school divisions for encouraging active in-class, remote and hybrid learning for students in pre-kindergarten through the second grade. School divisions seeking to apply for this grant shall submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students to be served. The Department shall establish criteria for awarding these funds. The funds may be used to purchase a platform featuring on-demand activities that integrate math and English Standards of learning content into movement-rich activities that can be used at school, home and on all devices (i.e., computers, tablets and phones)."

Explanation:

(This amendment provides \$250,000 GF the second year to encourage active learning for students in pre-K through 2nd grade. The Department of Education will establish criteria by which to award these funds to school divisions. Local school divisions will use the grant funds to provide active learning curriculum that relate math and language Standard of Learning content into movement rich activities for students in pre-K through 2nd grade.)

	Item 145 #1s	
Education	FY20-21	FY21-22
Direct Aid to Public Education	(\$15,897,461)	\$0 GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,706,747,090".

Page 159, line 12 strike "\$88,303,142" and insert "\$72,405,681".

Page 181, line 27 strike "\$71,703,142" and insert "\$55,805,681".

Explanation:

(This amendment captures \$15.9 million GF the first year from the undistributed balance in the Virginia Preschool Initiative program after updating final participation. The introduced budget retained \$21.0 million GF the first year in the undistributed balance to ensure that there were sufficient funds available to school divisions that exercised the enrollment flexibility contained in *Superintendent's Memo #282-20*.)

	Item 145 #2s	
Education	FY20-21	FY21-22

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Direct Aid to Public Education	\$145,636	\$0 GF
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Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,722,790,187".
 Page 158, line 45, strike "\$18,993,450" and insert "\$19,139,086".

Explanation:

(This amendment updates enrollment for Governor's School in FY 2021.)

Item 145 #3s

Education	FY20-21	FY21-22
Direct Aid to Public Education	(\$2,500,000)	\$0 GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,720,144,551".
 Page 159, line 10, strike "\$2,500,000" and insert "\$0".
 Page 196, line 28, strike "\$2,500,000 the first year and".

Explanation:

(This amendment captures savings of \$2.5 million GF the first year for the School Meals Expansion program. Under a federal waiver for the 2020-21 school year, all divisions are providing school meals at no cost to all students. These funds are no longer needed to eliminate the cost of reduced price school meals.)

Item 145 #4s

Education	FY20-21	FY21-22
Direct Aid to Public Education	\$0	(\$2,784,143) GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,855,855,978".
 Page 170, line 9, after "Eight", strike "*and the counties of Accomack and Northampton*".
 Page 170, line 17, after "Eight", strike "*and the counties of Accomack and Northampton*".
 Page 170, line 21, after "Eight", strike "*and the counties of Accomack and Northampton*".

Explanation:

(This amendment removes Accomack and Northampton counties from the full cost of competing adjustment as included in the introduced budget.)

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Item 145 #5s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$582,000	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,859,222,121".

Page 159, after line 23, insert:

"Alleghany County - Covington City School Division Consolidation Incentive \$0 \$582,000"

Page 198, after line 24, insert:

"45. Alleghany County - Covington City School Division Consolidation Incentive

Out of this appropriation, \$582,000 the second year from the general fund is provided as an incentive for the consolidation of the Alleghany County and Covington City school divisions. Such payments shall be provided for no more than five fiscal years, beginning in fiscal year 2022."

Explanation:

(This amendment provides \$582,000 GF the second year as an incentive for the Alleghany County and Covington City school divisions to consolidate. Such payments are intended to be set at this amount for five years, with no adjustments. The Board of Education approved the consolidation of these divisions to be effective July 1, 2022.)

Item 145 #6s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$59,303,635	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,917,943,756".

Page 158, strike line 43 and insert: "Compensation Supplement \$0 \$139,160,538".

Page 175, strike lines 8 through 12, and insert:

"6) Out of the appropriation included in paragraph C.44. of this Item, \$455,787 the second year from the Lottery Proceeds Fund are provided for a compensation supplement payment equal to 3.0 percent of base pay on August 1, 2021, for Regional Alternative Education Program instructional and support positions, as referenced in paragraph C.44. of this Item."

Page 191, strike lines 26 through 30, and insert:

"j. Out of the appropriation included in paragraph C.44. of this Item, \$620,830 the second year from the general fund is provided in the Academic Year Governor's School funding allocation

to increase the per pupil amount the second year as an add-on for a compensation supplement payment equal to 3.0 percent of base pay on August 1, 2021, for Academic Year Governor's School instructional and support positions."

Page 197, strike lines 33 through 52, and insert:

"44. Compensation Supplement

"a. Out of this appropriation, \$139,781,368 the second year from the general fund and \$455,787 the second year from the Lottery Proceeds Fund is provided for the state share of a payment of the following salary increases for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, school counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$620,830 the second year from the general fund referenced in paragraph C. 27. j. for the Academic Year Governor's Schools for the state share of a payment of the following salary increases for instructional and support positions, and this amount includes \$455,787 the second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 6) for Regional Alternative Education Programs for the state share of a payment equivalent to a 3.0 percent salary increase effective August 1, 2021, for SOQ instructional and support positions.

b. It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 3.0 percent during the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 3.0 percent salary increase the second year for funded SOQ instructional and support positions, effective August 1, 2021, to school divisions that certify to the Department of Education that salary increases of a minimum average of 3.0 percent have been or will have been provided during the 2020-2022 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of August 1, 2021, as the basis for the local match requirement for both funded SOQ instructional and support positions.

c. This funding is not intended as a mandate to increase salaries."

Page 198, strike line 1.

Explanation:

(This amendment provides \$139.8 million the second year from the general fund and \$455,787 the second year from the Lottery Proceeds fund to provide a 3.0 percent salary increase for SOQ-recognized instructional and support positions, to become effective August 1, 2021. This represents an addition of \$59.3 million the second year to provide a 3.0 percent salary increase in lieu of the 2.0 percent bonus that was proposed in the budget as introduced.)

Item 145 #7s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$29,997,718	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,888,637,839".

Page 158, line 47, strike "\$133,057,800" and insert "\$163,055,518".

Page 159, line 41, strike "\$97,331,981" and insert "\$67,334,263".

Page 160, after line 16, insert: "Learning Loss Instructional Supports \$0 \$29,997,717".

Page 198, after line 4, insert:

"45. Learning Loss Instructional Supports

An additional state payment estimated at \$29,997,717 the second year from the Lottery Proceeds Fund shall be disbursed to support the state share of \$117.18 per pupil the second year based on the estimated number of federal Free Lunch participants, in support of one-time programs and initiatives to address learning loss resulting from the COVID-19 pandemic. These funds shall cover expenses for: extended school year programs; summer learning programs; supplemental afterschool programs; remedial instructional supports, including activities to differentiate instruction to meet the needs of students; targeted supports and services for students with disabilities, students in grades pre-kindergarten through third, at-risk students, and English language learners; and modifications to facilities to assist with COVID-19 mitigation strategies for in-person learning. No local match is required to receive these state funds."

Explanation:

(This amendment provides \$30.0 million from the Lottery Proceeds Fund the second year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic.)

Item 145 #8s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$49,230,162	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,907,870,283".

Page 161, line 7, after " pupils)", strike "school nurses,".

Page 161, strike lines 11 through 15.

Explanation:

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(This amendment funds the state's share of three specialized student support positions per 1,000 students. Specialized student support positions, consistent with Senate Bill 1257, includes school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.)

Item 145 #9s

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$2,699,993	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,861,340,114".

Page 158, line 47, strike "\$133,057,800" and insert "\$135,757,793".

Page 159, line 41, strike "\$97,331,981" and insert "\$94,631,998".

Page 160, after line 16, insert: "Supplemental Support Accomack & Northampton \$0 \$2,700,000"

Page 198, after line 4, insert:

"45. Supplemental Support Accomack & Northampton

An additional state payment of \$2,700,000 the second year from the Lottery Proceeds Fund shall be disbursed to provide one-time support to Accomack and Northampton school divisions for teacher recruitment and retention efforts."

Explanation:

(This amendment provides \$2.7 million from the Lottery Proceeds Fund the second year to provide one-time support to Accomack and Northampton school divisions for recruitment and retention efforts.)

Item 145 #10s

Education

Direct Aid to Public Education

Language

Language:

Page 188, line 6, strike "c." and insert "c.1)".

Page 188, after line 20, insert:

"2) The Board of Education shall make recommendations for: (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to

implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

In developing such recommendations, the Board shall consider: (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal Prison Rape Elimination Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and dually-certified teachers and principals, and utilizing lead teachers in lieu of full-time principals in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.

The Board shall convene a workgroup to assist in the development of findings and recommendations and shall include staff members from the Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice, President of the Virginia Juvenile Detention Association or his/her designee, the chair of the Virginia Commission on Youth or his/her designee, and anyone else the Board deems as appropriate to serve on the workgroup. Findings and recommendations shall be reported to the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021."

Explanation:

(This amendment directs the Board of Education to develop recommendations for funding state operated programs in local and regional juvenile detention centers, which have experienced a significant decline in population in recent decades without an accompanying adjustment to state funding levels. This recommendation is from the Commission on Youth's 2020 study on "State Operated Programs Education in Juvenile Detention Centers".)

Item 145 #11s

Education

Direct Aid to Public Education

Language

Language:

Page 169, after line 27, insert:

"31. Each school division shall offer in-person instruction options to a student if requested by the parent or guardian in the 2021-2022 school year."

Explanation:

(This amendment requires all school divisions to offer in-person instruction options in the 2021-2022 school year to a student if the parent or guardian requests.)

	Item 150 #1s		
Education	FY20-21	FY21-22	
State Council of Higher Education for Virginia	\$150,000	\$300,000	GF

Language:

Page 200, line 25, strike "\$92,448,559" and insert "\$92,598,559".

Page 200, line 25, strike "\$105,568,934" and insert "\$105,868,934".

Page 202, line 26, strike the first instance of "\$1,980,000" and insert "\$2,130,000".

Page 202, line 26, strike the second instance of "\$1,980,000" and insert "\$2,280,000".

Explanation:

(This amendment provides additional funding based on estimated additional participation by qualifying veterans or their spouses or children for the Virginia Military Survivors and Dependent Education Program (VMSDEP), which provides assistance to Virginia military service members killed, missing in action, taken prisoner, or rated at least 90 percent permanently disabled as direct result of military service, by waiving tuition and required fees and providing a stipend to their dependents.)

	Item 152 #1s		
Education	FY20-21	FY21-22	
State Council of Higher Education for Virginia	\$0	\$250,000	GF

Language:

Page 205, line 6, strike "\$18,335,818" and insert "\$18,585,818".

Page 207, after line 55, insert:

"Q. Out of this appropriation, \$250,000 the second year from the general fund is designated for the Guidance to Postsecondary Success program. The program coordinates statewide efforts to increase college access and student success."

Explanation:

(This amendment restores \$250,000 GF the second year provided during the 2020 regular session for SCHEV to implement the Guidance to Postsecondary Success (GPS) program.

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These funds were later unallotted. The purpose of this new initiative is to increase student transitions from high school to postsecondary education and also help students find the right fit for their future and in terms of costs. Each year, 25,000 high school graduates do not enroll in postsecondary education within 16 months, including significantly higher percentages for African-American, Hispanic and economically disadvantaged students. The pandemic and virtual learning environments in high schools are expected to exacerbate these inequitable outcomes in the coming year. Working closely with the Virginia Department of Education, SCHEV will seek to increase these enrollment rates through the development of materials and informational resources and the coordination of awareness events, professional development opportunities for secondary staff and partnerships with institutions, schools, school divisions and non-profit organizations. In addition, these funds will be used as a match for an upcoming SCHEV application for a federally-funded Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) grant that also will focus on school division-specific and statewide outreach programs, as well as, required scholarships for eligible students.)

Item 152 #2s

Education	FY20-21	FY21-22	
State Council of Higher Education for Virginia	\$0 0.00	\$300,000 1.00	GF FTE

Language:

Page 205, line 6, strike "\$18,335,818" and insert "\$18,635,818".

Page 208, after line 36, insert:

"U. 1. Out of this appropriation, \$300,000 the second year from the general fund is designated to support related costs of undertaking a review of higher education costs, funding needs, appropriations and efficiencies.

2. The State Council of Higher Education, in consultation with representatives from House Appropriations Committee, Senate Finance and Appropriations Committee, Department of Planning and Budget, Secretary of Finance, and Secretary of Education, as well as representatives of public higher education institutions, shall review methodologies to determine higher education costs, funding needs, and appropriations in Virginia. The review shall identify and recommend: (1) methods to determine appropriate costs; (2) measures of efficiency and effectiveness; (3) provisions for any new reporting requirements; (4) strategies to allocate limited public resources based on outcomes that align with state needs related to affordability, access, completion, and workforce alignment, including with regard to nonresident pricing; (5) the impact of funding on underrepresented student populations; and (6) a timeline for implementation.

3. The review shall build on existing efforts including the assessment of base adequacy, recommendations provided through the Strategic Finance Plan, and peer institution comparisons to determine if existing funding models should be updated or replaced. It shall also build on promising practices and include input from Virginia's institutions, policy makers, and other education experts.

4. The Council shall present a proposed workplan to the Joint Subcommittee on the Future Competitiveness of Higher Education in Virginia by August 15, 2021. The Council shall submit a preliminary report and any related recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2021 with a final report by July 1, 2022."

Explanation:

(This amendment restores funding for a review to benchmark costs for higher education using historic trends and comparisons to other state, institution, and national data and to identify methods to allocate additional funds to higher education when available.)

	Item 152 #3s	
Education	FY20-21	FY21-22
State Council of Higher Education for Virginia	\$0	\$200,000 GF

Language:

Page 205, line 5, strike "\$18,335,818" and insert "\$18,535,818".

Explanation:

(This amendment provides \$200,000 GF for SCHEV to develop and maintain an application portal related to implementation of Senate Bill 1387, which provides that students who meet the criteria in the Code of Virginia that determine eligibility for in-state tuition regardless of their citizenship or immigration status shall be afforded the same educational benefits, including access to state financial assistance programs, as any other individual who is eligible for in-state tuition. The bill has a delayed effective date of August 1, 2022, but directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill and develop the application portal in the interim. The portal will require additional privacy and security to collect financial aid data that SCHEV and institutions do not currently collect.)

Item 152 #4s

Education

State Council of Higher Education for Virginia

Language

Language:

Page 207, after line 21, insert:

"In addition, the office of the workforce development advisor shall also have access to wage records collected by the Council."

Explanation:

(This amendment allows the office of the workforce development advisor access to wage records under SCHEV's existing authority, as a result of language adopted in 2019 specifying certain needed data exchange with the U.S. Census in order to get wage outcomes for graduates working outside the Commonwealth.)

Item 156 #1s

Education	FY20-21	FY21-22	
Christopher Newport University	\$0	\$1,019,000	GF
	\$0	\$651,500	NGF
	0.00	19.00	FTE

Language:

Page 209, line 30, strike "\$81,019,468" and insert "\$82,689,968".

Explanation:

(This amendment provides Christopher Newport University with on-going support for operations and maintenance (O&M) costs related to the opening of the new Fine Arts Center. This request is also a part of the university's six year plan. Construction will be completed in spring 2021, the building will open to the public in summer 2021 and classes will be held starting in the fall 2021 semester.)

Item 164 #1s

Education	FY20-21	FY21-22	
Richard Bland College	\$0	(\$299,000)	GF

Language:

Page 214, line 22, strike "\$15,180,047" and insert "\$14,881,047".

Explanation:

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(This amendment removes proposed new general funds that had been requested to cover debt payments from a previous renovation of classroom space to dorms, in order that Richard Bland College could revert the space back to classroom use.)

	Item 168 #1s		
Education	FY20-21	FY21-22	
Virginia Institute of Marine Science	\$0	\$225,000	GF
	0.00	2.20	FTE

Language:

Page 216, line 38, strike "\$27,010,448" and insert "\$27,235,448".

Explanation:

(This amendment provides funding for science-based guidance on the management of existing and emerging disease threats to critical fishery and aquaculture resources in the Commonwealth and Chesapeake Bay region. This initiative was funded in the 2020 General Assembly Session but subsequently unallotted. Recent outbreaks of disease have damaged economically important and ecologically sensitive marine resources in the Commonwealth and nation. The pathogens responsible for these outbreaks are not well known, their risks to marine life and potential to spread remain poorly understood, and their ecological impacts have been difficult to assess with existing resources. To meet the challenge of diseases in marine systems, this initiative will provide science-based guidance on the management of existing and emerging disease threats to critical fishery and aquaculture resources in the Commonwealth and Chesapeake Bay region.)

	Item 168 #2s		
Education	FY20-21	FY21-22	
Virginia Institute of Marine Science	\$0	\$250,000	GF
	0.00	2.70	FTE

Language:

Page 216, line 38, strike "\$27,010,448" and insert "\$27,260,448".

Explanation:

(This amendment provides funding to provide scientific data for the management of saltwater fisheries in the Commonwealth. This initiative was funded in the 2020 General Assembly Session but subsequently unallotted. Long-standing VIMS fisheries surveys have provided scientific data for the management of saltwater fisheries in the Commonwealth of Virginia. Recent reductions in state and federal funds resulted in reductions in five of the most crucial surveys.)

Item 183 #1s

Education	FY20-21	FY21-22	
Norfolk State University	\$0	\$1,250,000	GF

Language:

Page 227, line 13, strike "\$100,293,110" and insert "\$101,543,110".

Page 228, after line 34, insert:

"H. Out of this appropriation, \$1,250,000 in the second year from the general fund is designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University. This is to be a recurring appropriation."

Explanation:

(This amendment provides \$1.25 million GF beginning in the second year for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University. This is to be a recurring appropriation.)

Item 184 #1s

Education	FY20-21	FY21-22	
Norfolk State University	(\$1,729,795)	\$0	GF

Language:

Page 228, line 37, strike "\$21,647,706" and insert "\$19,917,911".

Page 229, line 3, strike "\$3,459,590" and insert "\$1,729,795".

Page 229, line 23, after "program." strike the remainder of the line.

Page 229, strike lines 24 and 25.

Explanation:

(This amendment adjusts first year funding for the new VCAN affordability initiative approved during the 2020 Regular Session. The funding was unallotted at the Reconvened Session, then restored, for FY 2021, during the Special Session. The required detailed budget and implementation plan was submitted in December 2020 and to be impactful beginning spring semester 2021. Funding remains for the spring semester and for the 2021-22 academic year. The amendment provides for the release of first year funding by removing existing language that required certain approvals prior to release of the funding.)

Item 187 #1s

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Education	FY20-21	FY21-22	
Old Dominion University	\$0	\$1,250,000	GF

Language:

Page 230, line 6, strike "\$326,951,395" and insert "\$328,201,395".

Page 231, after line 47, insert:

"K. Out of this appropriation, \$1,250,000 in the second year from the general fund is designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University. This is to be a recurring appropriation."

Explanation:

(This amendment provides \$1.25 million GF beginning in the second year from for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University. This is to be a recurring appropriation.)

Item 191 #1s

Education	FY20-21	FY21-22	
Radford University	\$0	\$2,000,000	GF

Language:

Page 233, line 41, strike "\$135,081,721" and insert "\$137,081,721".

Explanation:

(This amendment provides \$2.0 million GF in additional funding for Radford University for operating support to further reduce tuition and fees for Virginians attending Radford University Carilion (RUC) in Roanoke to close the differential gap in tuition between the two campus sites, along with additional funding provided in FY 2021 and FY 2022 in another Item. The 2019 General Assembly authorized Radford University to establish RUC, a partnership with Carilion Clinic to strengthen the Roanoke region as a destination for health education and research, contributing to the overall growth and economic development of Southwest Virginia. Increased investment by the Commonwealth is intended to provide additional accessibility and affordability for Virginians enrolled in high-demand, high-paying health professions programs, and increase the number of health care professionals living and working in Southwest Virginia.)

Item 196 #1s

Education	FY20-21	FY21-22	
University of Mary Washington	\$0	\$568,000	GF

Language:

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Page 236, line 10, strike "\$80,597,650" and insert "\$81,165,650".

Page 237, after line 15, insert:

"Out of this appropriation, \$568,000 the second year from the general fund is designated to support an educational partnership between regional K12; community college; University of Mary Washington and industry to develop a curriculum that accelerates time to degree; lowers cost; eliminates the skills gap and reduces reliance on student debt in the areas of Education, Healthcare, and Cybersecurity."

Explanation:

(This amendment provides \$568,000 GF for the University of Mary Washington's Workforce Development Initiative. This initiative partners three K-12 school districts, a community college, a public liberal arts university, and industry to develop a curriculum that accelerates time to degree, lowers cost of attendance, eliminates the skills gap that exists between educational experiences and works, reduces the reliance on student load debt to finance both degree competencies required to compete in the 21st century, and produces career-ready graduates whose experiences will empower them both socially and economically into their futures.)

	Item 205 #1s	
Education	FY20-21	FY21-22
University of Virginia	\$0	(\$1,000,000) GF

Language:

Page 241, line 48, strike "\$578,028,122" and insert "\$577,028,122".

Page 242, line 14, strike "\$4,112,500" and insert "\$3,112,500".

Explanation:

(This amendment reallocates proposed additional funding for the Center for Focused Ultrasound to restorations of items from the 2020 Regular Session.)

	Item 214 #1s	
Education	FY20-21	FY21-22
Virginia Commonwealth University	\$192,793	\$0 GF

Language:

Page 246, line 8, strike "\$661,732,918" and insert "\$661,925,711".

Page 248, after line 48, insert:

"Q. Out of this appropriation, \$192,753 the first year from the general fund shall be provided to

the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University to support the Research Institute for Social Equity (RISE) addressing issues of racism and racial equity in public policy."

Explanation:

(This amendment provides \$192,753 GF the first year to the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University to support the Research Institute for Social Equity (RISE) addressing issues of racism and racial equity in public policy. The L. Douglas Wilder School is a recognized national leader in advancing racial justice through multidisciplinary scholarship, research, training, and engagement. The creation of the Research Institute for Social Equity (RISE) within the Wilder School will serve as a vehicle to advance racial equity and social justice through multidisciplinary scholarship, research, training, and engagement. The goal of RISE is to be the national leader in advancing social justice to inform public policy, governance and practice to improve conditions for marginalized voices within our society, including communities of color, LGBTQIA individuals, people with disabilities, incarcerated populations, survivors of domestic violence, and women.)

	Item 214 #2s	
Education	FY20-21	FY21-22
Virginia Commonwealth University	\$0	\$150,000 GF

Language:

Page 246, line 8, strike "\$661,732,918" and insert "\$661,882,918".

Page 246, line 50, strike "\$386,685" and insert "\$536,685".

Page 247, after line 9, insert:

"All other funding support for the center shall be maintained by the university at least at the level provided in fiscal year 2019."

Explanation:

(This amendment restores funding in FY 2022 to the Virginia Center on Aging that was removed in the 2020 Special Session, and provides clarifying language.)

	Item 216 #1s	
Education	FY20-21	FY21-22
Virginia Commonwealth University	(\$5,000,000)	(\$2,500,000) GF

Language:

Page 249, line 26, strike "\$331,699,678" and insert "\$326,699,678".

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Page 249, line 26, strike "\$331,699,678" and insert "\$329,199,678".

Page 249, line 39, strike "\$17,500,000" and insert "\$12,500,000."

Page 249, line 40, strike "\$17,500,000" and insert "\$15,000,000."

Page 249, line 41, after "support of cancer research" insert ", including pediatric cancer treatment".

Explanation:

(This amendment provides an additional \$2.5 million for Massey Cancer Center in FY 2022, consistent with the conference report during the 2020 Regular Session. The FY 2021 amount is level funded.)

	Item 220 #1s	
Education	FY20-21	FY21-22
Virginia Community College System	\$0	\$385,177 GF

Language:

Page 251, line 14, strike "\$939,748,443" and insert "\$940,133,620".

Page 254, after line 1, insert:

"X. Out of this appropriation, \$385,177 the second year from the general fund is designated for costs of two associate degree programs in Physical Therapy Assistant and Surgical Technology that have transferred to Virginia Western Community College as a result of the merger of Radford University and the Jefferson College of Health Sciences authorized in Chapter 60 of the 2019 Acts of Assembly."

Explanation:

(This amendment provides funding for two programs that have transferred to Virginia Western Community College as a result of the merger of Radford University and the Jefferson College of Health Sciences authorized in Chapter 60 of the 2019 Acts of Assembly.)

	Item 220 #2s	
Education	FY20-21	FY21-22
Virginia Community College System	\$0 0.00	\$5,000,000 GF 60.00 FTE

Language:

Page 251, line 14, strike "\$939,748,443" and insert "\$944,748,443".

Page 254, line 9, strike "\$1,500,000" and insert "\$6,500,000".

Page 254, line 10, after "designated for" insert "advising,".

Explanation:

(This amendment provides \$5.0 million GF for Virginia community colleges to hire 60 additional advisors to assist students in identifying appropriate programs, resources and support, related to the G3 initiative.)

		Item 226 #1s	
Education	FY20-21	FY21-22	
Virginia Military Institute	\$0 0.00	\$103,048 1.00	GF FTE

Language:

Page 263, line 2, strike "\$44,354,698" and insert "\$44,457,746".

Explanation:

(This amendment restores funds for additional faculty positions to implement a redesigned required three-hour course in theory and practice of leadership, Leadership in Organizations. All cadets enroll in Leadership in Organizations, a required, 3-credit hour course in the theory and practice of leadership. This course will be redesigned to lessen the time commitment to leadership theory in order to enrich the application component of the course. In addition to curricular enhancements, this course will have a new course director who will oversee the development of: new training modules for current faculty and the training of Leadership Fellows who will teach the course.)

		Item 226 #2s	
Education	FY20-21	FY21-22	
Virginia Military Institute	\$0	\$126,000	GF

Language:

Page 263, line 2, strike "\$44,354,698" and insert "\$44,480,698".

Explanation:

(This amendment restores funds for the Math Education and Resource Center (MERC) and the Miller Academic Center (MAC) both of which were originally funded through private funds. The MERC was created to specifically address cadets' performance in mathematics with a particular emphasis on incoming freshmen and those in STEM majors. The MAC facilitates cadets' academic success and timely progress toward a degree by providing academic tutors and other academic support services.)

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Item 236 #1s

Education	FY20-21	FY21-22	
Virginia Cooperative Extension and Agricultural Experiment Station	\$0	\$1,600,000	GF

Language:

Page 269, line 15, strike "\$93,864,832" and insert "\$95,464,832".

Explanation:

(This amendment supports the enhancement of the Virginia Cooperative Extension and Agricultural Experiment Station in order to support the resiliency and growth of the agricultural and forestry economy in the Commonwealth. Specific needs addressed in this multi-year request include improving internet connectivity, including one-time and on-going costs. Additional needs include modernizing research equipment, adding critical personnel, and supporting the market competitiveness of extension agent salaries.)

Item 238 #1s

Education	FY20-21	FY21-22	
Virginia State University	(\$1,886,745)	\$0	GF

Language:

Page 272, line 7, strike "\$19,677,956" and insert "\$17,791,211".

Page 272, line 22, strike "\$3,773,490" and insert "\$1,886,745".

Page 272, strike lines 42 and 43.

Explanation:

(This amendment adjusts first year funding for the new VCAN affordability initiative approved during the 2020 Regular Session. The funding was unallotted at the Reconvened Session, then restored, for FY 2021, during the Special Session. The required detailed budget and implementation plan included a timeline beginning with January 2021 for creating a pipeline for fall 2021. Funding remains for the spring semester and for the 2021-22 academic year. The amendment provides for the release of funding by removing existing language that required certain approvals prior to release of the funding.)

Item 244 #1s

Education	FY20-21	FY21-22	
Jamestown-Yorktown Foundation	\$0	\$412,484	GF

Language:

Page 275, line 8, strike "\$19,920,791" and insert "\$20,333,275".

Explanation:

(This amendment provides \$412,484 GF the second year to enhance digital marketing and social media capabilities to support key marketing strategies, and the development, promotion and maintenance of a new, re-focused website. Marketing funds support non-general fund revenue generation that has historically provided 50 percent of the agency's operating budget.)

Item 244 #2s

Education	FY20-21	FY21-22	
Jamestown-Yorktown Foundation	\$0	\$471,820	GF

Language:

Page 275, line 8, strike "\$19,920,791" and insert "\$20,392,611".

Explanation:

(This amendment provides \$471,820 GF the second year to support frontline personnel engaged in direct service delivery of museum and educational programming. These funds provide a competitive base salary and hourly rate for these employees relative to the local market and addresses retention challenges.)

Item 247 #1s

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

Language:

Page 276, line 31, strike "\$17,233,584" and insert "\$18,233,584".

Explanation:

(This amendment restores \$1.0 million GF the second year to support additional statewide state aid to local public libraries that was approved at the 2020 Regular Session and then unallotted (Chapter 1289). State aid to local public libraries is currently funded in the second year at only 62 percent of the amount required. This amendment represents an additional step towards fully funding the state library aid formula over time.)

Item 253 #1s

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Education	FY20-21	FY21-22	
Virginia Museum of Fine Arts	\$0	(\$9,750,000)	GF

Language:

Page 279, line 23, strike "\$54,497,207" and insert "\$44,747,207".

Page 280, after line 4, insert:

"F. Out of this appropriation, \$1,000,000 in the second year from the general fund is provided to support the development of a plan for transforming Monument Avenue. The museum shall work with community stakeholders to develop the plan and utilize the recommendations from the *Report of the Monuments Work Group (2016)* on the best practices to foster constructive dialogues. The plan shall be reported to the Governor, Secretary of Education, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2022."

Explanation:

(This amendment provides \$1.0 million GF the second year to support the museum's development of a plan for transforming Monument Avenue.)

Item 256 #1s

Education	FY20-21	FY21-22	
New College Institute	\$0	\$95,000	GF

Language:

Page 281, line 20, strike "\$4,318,700" and insert "\$4,413,700".

Explanation:

(This amendment restores funding in the second year for staffing at the New College Institute.)

Item 257 #1s

Education	FY20-21	FY21-22	
Institute for Advanced Learning and Research	\$0	\$95,000	GF

Language:

Page 282, line 14, strike "\$6,415,193" and insert "\$6,510,193".

Explanation:

(This amendment restores funding in the second year for staffing at the Institute for Advanced

Learning and Research.)

	Item 258 #1s		
Education	FY20-21	FY21-22	
Roanoke Higher Education Authority	\$0	\$98,817	GF

Language:

Page 282, line 43, strike "\$1,478,720" and insert "\$1,577,537".

Explanation:

(This amendment restores funding in the second year for the Roanoke Higher Education Center for one-time funding of \$50,873 for equipment and installation of blue light telephones, and a security camera system. Additionally, this budget amendment provides on-going funding of \$47,944 for additional hours of coverage from security officers.)

	Item 258 #2s		
Education	FY20-21	FY21-22	
Roanoke Higher Education Authority	\$0	\$213,254	GF

Language:

Page 282, line 43, strike "\$1,478,720" and insert "\$1,691,974".

Explanation:

(This amendment restores funding in the second year for the Roanoke Higher Education Center for one-time funding of \$66,898 and on-going funding of \$146,356 for the development and maintenance of a student success center.)

	Item 259 #1s		
Education	FY20-21	FY21-22	
Southern Virginia Higher Education Center	\$0	\$388,972	GF

Language:

Page 283, line 8, strike "\$7,949,697" and insert "\$8,338,669".

Explanation:

(This amendment restores funding in the second year for one-time funding of equipment in the

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amount of \$293,972 and on-going staffing funding of \$95,000 for personnel and technical training equipment to support high-demand workforce training programs. Equipment includes Zoom classroom equipment and software to allow students access to quality distance and virtual training courses and upgrades to Amatrol training equipment, including new electrical wiring learning system.)

	Item 260 #1s	
Education	FY20-21	FY21-22
Southwest Virginia Higher Education Center	\$0	\$95,000 GF

Language:

Page 284, line 16, strike "\$3,386,650" and insert "\$3,481,650".

Explanation:

(This amendment restores funding for staffing at the Southwest Virginia Higher Education Center.)

	Item 260 #2s	
Education	FY20-21	FY21-22
Southwest Virginia Higher Education Center	\$0	\$1,000,000 GF

Language:

Page 284, line 16, strike "\$3,386,650" and insert "\$4,386,650".

Page 284, after line 32, insert:

"B. Out of the appropriation for this item, \$1,000,000 the second year from the general fund shall be deposited to the Virginia Rural Information Technology Apprenticeship Grant Fund, as established in § [23.1-3129.1](#) Code of Virginia, for the purpose of awarding grants on a competitive basis from the Fund to small, rural information technology businesses in qualifying localities to establish apprenticeship programs."

Explanation:

(This amendment restores funding for the Southwest Virginia Higher Education Center to develop and implement the Rural Information Technology Grant Apprenticeship Program. The Center will need to develop guidelines, criteria, an application process, and accountability reporting.)

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Item 262.80 #1s

Education	FY20-21	FY21-22	
Maintain Affordable Access	\$0	\$73,500,000	GF

Language:

Page 287, line 16, strike "\$0" and insert "\$73,500,000".

Page 287, strike lines 16 through 43 and insert:

“Item 262.80

Educational and General Programs (10000)	\$60,000,000	\$73,500,000	
Higher Education Instruction (10001)	\$60,000,000	\$73,500,000	
			Fund Sources:
			General

Authority: Discretionary Inclusion

A. Out of this appropriation, \$60,000,000 the first year and \$73,500,000 the second year from the general fund is designated to maintain affordable access to public colleges and universities. Institutions may use these funds for operational support, to enhance financial aid, or to address the impacts of the COVID-19 pandemic. For purposes of base budget development, these appropriated funds shall be transferred to the individual institution. Allocations from this item are as follows:

Institution	FY 2021 Allocation	FY 2022 Allocation
Christopher Newport University	\$2,400,000	\$2,400,000
College of William and Mary	3,500,000	3,500,000
George Mason University	0	9,000,000
James Madison University	5,700,000	5,700,000
Longwood University	1,500,000	1,500,000
University of Mary Washington	3,300,000	3,300,000
Norfolk State University	2,000,000	2,000,000
Old Dominion University	0	4,500,000
Radford University	4,900,000	4,900,000
University of Virginia	3,000,000	3,000,000
University of Virginia's College at Wise	1,000,000	1,000,000

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Virginia Commonwealth University	10,000,000	10,000,000
Virginia Military Institute	1,000,000	1,000,000
Virginia Polytechnic Institute & State University	4,000,000	4,000,000
Virginia State University	1,700,000	1,700,000
Richard Bland College	1,000,000	1,000,000
Virginia Community College System	15,000,000	15,000,000
Total	\$60,000,000	\$73,500,000"

B. Pursuant to Item 479.10 of this Act, \$17,250,000 from the Coronavirus Relief Fund is provided for the costs of conducting COVID-19 tests at Virginia's public colleges and universities.

C. To address student affordability, \$22,000,000 in Governor's Education Emergency Relief funds from the Coronavirus Response and Relief Supplemental Appropriations Act, (P.L. 116-260) shall be allocated to public institutions of higher education for need-based undergraduate financial aid in the second year.

D. To provide additional operational relief to institutions of higher education, the following reporting and procurement policies shall be modified accordingly:

1. Pursuant to § 4-2.01.b.11 of this act, for future reporting on fiscal year 2023 and beyond required reporting on intercollegiate athletic revenues and expenses, specifically related to the share of athletic revenues from school funds and student fees, as set out in § 23.1-1309, Code of Virginia, fiscal years 2020, 2021, and 2022 shall be excluded from the calculated five-year rolling average of the change in generated revenue and student fees also outlined in § 23.1-1309, Code of Virginia.

2. Consistent with the 2019 updates to the Virginia Public Procurement Act, institutions of higher education that have entered into memoranda of understanding or management agreements with the state are permitted to conform their Request for Proposal advertising rules to that of § 2.2-4302.2.A.2.”

Explanation:

(This amendment provides funding to Virginia’s public colleges and universities to meet the challenges of the COVID-19 pandemic, support operations, and address access and affordability. Specifically, the amendment provides the following: 1) Continues first-year one-time support of \$60.0 million GF provided in Chapter 56, 2020 Special Session I, into the second year of the biennium, and includes funding for George Mason University and Old Dominion University, for operational support, to enhance financial aid, and to address the impacts of the COVID-19 pandemic; 2) Allocates an additional \$17.3 million from the Coronavirus Relief Fund to address the costs of testing for COVID-19; 3) Allocates \$22.0 million from "GEER2" for additional financial aid, and 4) Provides relief from certain

procurement and other requirements to provide institutions with additional flexibility and to generate cost savings.)

Item 266 #1s

Finance

Department of Accounts

Language

Language:

Page 292, after line 39, insert:

"E.1. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund.

2. The provisions contained in this paragraph shall be in effect until July 1, 2021, at which time any balances remaining in this Fund shall transfer to the Opioid Abatement Fund created pursuant to SB 1469 of the 2021 General Assembly, and subject to the provisions thereof."

Explanation:

(This amendment establishes the Opioid Abatement Fund, consistent with SB 1469 of the 2021 General Assembly, which shall become effective July 1, 2021. Establishment of this Fund will allow for the deposit of any opioid related litigation settlement moneys received by the Commonwealth until such time as the Fund and associated Authority established under SB 1469 are effectuated.)

Item 282 #1s

Finance

FY20-21

FY21-22

Department of Taxation

\$0

(\$69,816) GF

Language:

Page 301, line 17, strike "\$61,659,588" and insert "\$61,589,772".

Page 301, line 16, unstrike the stricken language.

Page 301, line 17, strike "\$61,659,588".

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Page 301, line 18, unstrike the stricken language.

Page 301, line 21, strike "\$12,371,531".

Page 301, line 25, unstrike the stricken language.

Page 301, line 26, strike "\$50,819,573".

Explanation:

(This amendment removes funding included in the Introduced Budget for the Department of Taxation to make systems changes related to the Virginia Facilitated Enrollment Program.)

	Item 284 #1s	
Finance	FY20-21	FY21-22
Department of Taxation	\$0	(\$164,819) GF

Language:

Page 306, line 51, strike "\$52,406,035" and insert "\$52,241,216".

Page 306, line 50, unstrike the stricken language.

Page 306, line 51, strike "\$52,406,035".

Page 306, line 52, unstrike the stricken language.

Page 306, line 53, strike "\$31,261,776".

Page 307, line 1, unstrike the stricken language.

Page 307, line 2, strike "\$21,144,259".

Page 307, line 3, unstrike the stricken language.

Page 307, line 4, strike "\$52,252,581".

Page 307, line 31, unstrike the stricken language.

Page 307, line 32, strike "\$120,185,117".

Page 307, line 36, unstrike the stricken language.

Page 307, line 37, strike "\$107,702,426".

Explanation:

(This amendment removes funding included in the Introduced Budget for the Department of Taxation to make systems changes related to the Virginia Facilitated Enrollment Program.)

	Item 288 #1s	
Finance	FY20-21	FY21-22
Treasury Board	\$4,000,000	\$0 GF

Language:

Page 310, line 34, strike "\$850,158,182" and insert "\$854,158,182".

Page 315, after line 41, insert:

"I. Out of this appropriation, \$4,000,000 the first year from the general fund is provided for the defeasance of the outstanding bonds on the Central Virginia Training Center."

Explanation:

(This amendment provides \$4 million GF in FY 2021 for the defeasance of the bonds of outstanding bonds on the Central Virginia Training Center.)

Item 291 #1s

Health and Human Resources

Secretary of Health and Human Resources

Language

Language:

Page 318, after line 53, insert:

"F. The Secretary of Health and Human Resources, or his designee, shall convene a workgroup of appropriate agencies within the secretariat and other stakeholders, as necessary, to research and recommend strategies for the financing of health care services for undocumented immigrant children. The workgroup shall: (i) identify the number of children who would qualify and their geographic location; (ii) demonstrate the impact a lack of health care coverage has on these children; (iii) determine the financial burden carried by hospital systems and other healthcare facilities that currently provide care for these children; (iv) identify the existing barriers these children face when trying to access essential medical services in a timely manner; (v) identify the long-term health impacts to children who do not have health care coverage and the future cost the Commonwealth will incur as a result; and (vi) recommend options for providing health care coverage to these children and the approximate cost to the Commonwealth."

Explanation:

(This amendment directs the Secretary of Health and Human Resources to convene a workgroup to research and recommend strategies for the financing of health care services for undocumented immigrant children. Approximately 13,000 immigrant children in Virginia lack health insurance and approximately 9,000 of those children live under 200 percent of the federal poverty level. They do not qualify for CHIP-funded (Children's Health Insurance Program) health insurance due to their immigration status.)

Item 291 #2s

Health and Human Resources

Secretary of Health and Human Resources

Language

Language:

Page 318, after line 53, insert:

"F.1. It is the intent of the General Assembly that the Virginia Department for the Aging (VDA) be reestablished as an agency of the Commonwealth under the Office of the Secretary of Health and Human Resources beginning July 1, 2022. This agency shall oversee policies and programs impacting older Virginians and provide a leadership role across state government in evaluating the impact the aging population has on state services.

2. The Secretary of Health and Human Resources, or his designee, shall convene a workgroup that includes representatives from the Department for Aging and Rehabilitative Services, Area Agencies on Aging, the Department of Planning and Budget, the Division of Legislative Services, appropriate staff from the House Appropriations and Senate Finance and Appropriations Committees, and other appropriate stakeholders. The workgroup shall: (i) review other state aging departments and best practices for establishing an agency fully capable of leading across state government with regard to impacts from an aging population; (ii) review and develop an optimal organizational structure for the new agency; (iii) develop a transition plan for transferring staff, funding and making other operational changes to establish the new agency; (iv) draft legislation for consideration by the 2022 General Assembly; (v) determine potential costs to create the new agency; and (vi) develop draft changes to the Appropriation Act. The workgroup shall at a minimum evaluate transitioning aging services, adult services, adult protective services and auxiliary grant programs to the new agency. In addition, the workgroup shall examine any other aging-related programs in the Health and Human Resources Secretariat and make recommendations for inclusion in the new agency.

3. The workgroup shall provide all deliverables and report on its findings by October 1, 2021, to the Governor, the Department of Planning and Budget, and the Chairs of House Appropriations and Senate Finance and Appropriations Committees. The Department for Aging and Rehabilitative Services shall provide this information to the Governor to be considered for inclusion in the 2022-2024 introduced budget."

Explanation:

(This amendment provides that it is the intent of the General Assembly that a new agency for aging services be established as an agency of the Commonwealth under the Office of the Secretary of Health and Human Resources, beginning July 1, 2022. The language creates a workgroup to consider the details of such a transition and to make the appropriate recommendations to the General Assembly.)

Item 291 #3s

Health and Human Resources

Secretary of Health and Human Resources

Language

Language:

Page 324, after line 6, insert:

"D. The Office of Children's Services shall develop a plan to modify its staffing and operations to ensure effective local implementation of the Children's Services Act. The plan shall include

any new or different staff positions required, how those positions will be used to monitor and improve effectiveness, and the estimated cost of implementing these changes. The plan shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

E. The Office of Children's Services shall collect annually from each local Children's Services Act program the number of program staff by full- and part-time status and the administrative budget broken out by state and local funding to understand local program resources and target technical assistance to the most under-sourced local programs."

Explanation:

(This amendment requires the Office of Children's Services (OCS) to develop a plan to modify its staffing and operations to ensure effective local implementation of the Children's Services Act (CSA). It also directs OCS to collect annually from each local CSA program the number of program staff by full- and part-time status and information on local administrative budgets to better understand local program sources. These actions are based on recommendations from the Joint Legislative Audit and Review Commission's November 2020 study on CSA.)

Item 292 #1s

Health and Human Resources

Children's Services Act

Language

Language:

Page 323, strike lines 1 through 5.

Explanation:

(This amendment eliminates the annual two percent rate cap on increases that localities may pay for private day special services under the Children's Services Act. This rate cap was temporary until the completion of the rate setting study, which will be complete in fiscal year 2021.)

Item 292 #2s

Health and Human Resources

Children's Services Act

Language

Language:

Page 323, strike lines 6 through 14.

Explanation:

(This amendment removes language that allows localities to adjust daily or monthly rates for the 2020-2021 school year for virtual or distance learning provided by a private school serving

students with disabilities under the Children's Services Act.)

	Item 292 #3s	
Health and Human Resources	FY20-21	FY21-22
Children's Services Act	\$0	\$305,357 GF

Language:

Page 319, line 4, strike "\$384,786,416" and insert "\$385,091,773".

Explanation:

(This amendment provides \$305,357 the second year from the general fund for the fiscal impact of Senate Bill 1338, which establishes the State Kinship Guardianship Assistance program, which allows payments to be made to relatives, including fictive kin, who receive custody of a child. A corresponding amendment in the Department of Social Services reduces funding through the Title IV-E program as some children will transition to the State-Funded Kinship Guardianship Assistance Program.)

	Item 293 #1s	
Health and Human Resources	FY20-21	FY21-22
Children's Services Act	\$0	(\$50,000) GF

Language:

Page 323, line 16, strike "\$2,059,796" and insert "\$2,009,796".

Page 324, unstrike lines 1 through 2.

Page 324, line 2, after "effective" strike "on July 1, 2021" and insert "upon a date approved by the General Assembly in the 2022 Session".

Page 324, strike lines 3 through 6, and insert:

"C. Out of this appropriation, \$50,000 the second year is provided to the Office of Children's Services for training and technical assistance activities in overseeing the Children's Services Act. OCS is authorized to use a portion of these funds to hire a facilitator to assist with the workgroup created pursuant to Senate Bill 1313."

Explanation:

(This amendment reduces \$50,000 the second year from the general fund that was provided in the introduced budget for administration of a rate setting process for special education private day programs. Language modifies the effective date for rate setting to a future date to be determined by the 2022 General Assembly pending the results of the final rate setting study. Out of the \$100,000 general fund provided in the introduced budget, \$50,000 remains in the Office of Children's Services to be used for training and technical assistance related to the

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Children's Services Act (CSA) program. The agency is allowed to use a portion of this funding for a facilitator for the stakeholder workgroup pursuant to Senate Bill 1313, that would determine how to move special education private day funding from CSA to the Department of Education.)

Item 295 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$1,600,000	GF

Language:

- Page 325, line 25, strike "\$985,000" and insert "\$2,585,000".
- Page 325, strike lines 40 through 54.
- Page 326, strike lines 1 through 7.
- Page 326, unstrike lines 8 through 36.
- Page 326, line 11, after "adolescent psychiatrists;" insert:
"psychiatric physician assistants; psychiatric pharmacists;"

Explanation:

(This amendment restores funding and language that was provided in Chapter 1289, 2020 Acts of Assembly, to establish the Behavioral Health Loan Repayment Program. Funding for this item was unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly. The program would increase the number of Virginia behavioral health practitioners through the establishment of an educational loan repayment incentive that complements and coordinates with existing efforts to recruit and retain Virginia behavioral health practitioners. The program would allow for a variety of behavioral health practitioners to receive a student loan repayment award from the Commonwealth in exchange for providing service to Virginia communities that are otherwise underserved. Practitioners would receive loan repayment for up to 25 percent of student loan debt for each year of health care service provided to the Commonwealth. Maximum loan repayment amounts per year are dependent upon the type of behavioral health professional applying and shall not exceed the total student loan debt. Participating practitioners will have an initial two-year minimum participation obligation and may renew for a third and fourth year. This provides the practitioner with the opportunity to fully pay off their student loan debt while providing four years of service to the Commonwealth. In addition, this amendment also strikes outdated language related to developing a plan for increasing the number of behavioral health practitioners.)

Item 295 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$35,000	GF

Language:

Page 325, line 24, strike "\$985,000" and insert "\$1,020,000".

Page 326, after line 52, insert:

"E. Out of this appropriation, \$35,000 the second year from the general fund is provided for the Nurse Loan Repayment Program to provide loan repayments for certified nurse aides. The total loan repayment allowed per certified nurse aide is limited to no more than \$1,000."

Explanation:

(This amendment provides \$35,000 from the general fund the second year to assist with funding for the expansion of the nurse loan repayment program pursuant to Senate Bill 1147 that adds certified nurse aides as eligible for the program. The additional funding is dedicated to supporting certified nurse aides and is capped at \$1,000.)

Item 295 #3s

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

\$500,000

GF

Language:

Page 325, line 25, strike "\$985,000" and insert "\$1,485,000".

Page 326, unstrike lines 37 through 52.

Page 326, line 37, after "D.", insert "1."

Page 326, line 37, strike "\$500,000 the first year and".

Page 326, line 51, strike "2020" and insert "2021".

Page 326, after line 52, insert:

"2. The Virginia Health Workforce Development Authority shall develop the process for the consideration of requests for funding from the Nursing Preceptor Incentive Program."

Explanation:

(This amendment provides \$500,000 the second year from the general fund to the Virginia Department of Health to establish a Nursing Preceptor Incentive Program. The department would report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021 on the progress of establishing the Nursing Preceptor Incentive Program. The Virginia Health Workforce Development Authority is directed to develop a process for the consideration of requests for funding from the Nursing Preceptor Incentive Program.)

Item 296 #1s

Health and Human Resources

FY20-21

FY21-22

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Department of Health 0.00 30.00 FTE

Language:

Explanation:

(This amendment adds 30 full-time positions funded through nongeneral funds in the Virginia Department of Health's Office of Emergency Medical Services (OEMS). These positions would backfill the loss of positions based on implementation of the agency's shared business services. However, the positions are needed to enable OEMS to work directly with the Regional Emergency Medical Services (EMS) Councils. Each council maintains a Board of Directors but they are staffed by OEMS. In addition, the OEMS will have responsibility for directly managing two regional EMS councils (Shenandoah and Rappahannock). Funding will be shifted within OEMS to cover the cost of the added positions.)

Item 297 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$51,146	GF

Language:

Page 328, line 2, strike "\$16,001,106" and insert "\$16,052,252".

Explanation:

(This amendment provides \$51,146 from the general fund the second year to support a work group to develop a plan for establishing a Fetal and Infant Mortality Review at the Virginia Department of Health. Such a team would function in a similar manner to the child fatality review team but focus on tracking and investigating selected fetal and infant deaths in the Commonwealth and make recommendations to reduce preventable deaths.)

Item 299 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$395,818	GF
	0.00	3.00	FTE

Language:

Page 328, line 34, strike "\$213,178,894" and insert "\$213,574,712".

Explanation:

(This amendment provides \$395,818 the second year from the general fund in the Office of Epidemiology to support three additional positions to the \$3.1 million included in the

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introduced budget provided to sustain and expand the Virginia Department of Health’s communicable disease surveillance and investigation efforts across the Office of Epidemiology and the 35 local health districts in Virginia. The introduced budget funded 12 epidemiologists and 12 communicable disease nurses across the 35 health districts and funded two epidemiology program managers in the Office of Epidemiology in the Central Office. This amendment funds three additional epidemiology program managers in the Office of Epidemiology. A separate amendment funds a total of 35 epidemiologists and 35 communicable disease nurses, one of each position, in every local health district, to expand the Commonwealth's communicable disease surveillance and investigation capabilities.)

Item 299 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	(\$30,184,899)	(\$59,123,029)	GF
	\$18,002,665	\$59,123,029	NGF

Language:

Page 328, line 35, strike "\$140,808,393" and insert "\$128,626,159".
 Page 330, line 24, strike "\$30,184,899", and insert "\$18,002,665".
 Page 330, line 25, strike "the general fund", and insert "federal funds".

Explanation:

(This amendment supplants \$30.2 million the first year and \$59.1 million the second year to support the Commonwealth's mass vaccination efforts in response to the COVID-19 pandemic. On December 27, 2020, the federal Consolidated Appropriations Act, 2021 was signed into law which provides substantial federal assistance to support states in vaccine administration efforts. Virginia's share of this funding is \$77.1 million. With this additional federal support, the general fund added in the introduced budget can be supplanted with federal funds. The new federal funding is not sufficient to fully supplant all \$89.3 million of general fund in the biennium, however, Coronavirus Relief Funds (CRF) allocated to the Department of Medical Assistance Services have not been fully utilized, so this amendment includes \$12.2 million in the first year in CRF funds. A separate amendment in Central Appropriations reflects the change in the allocation of CRF funds.)

Item 299 #3s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	(\$722,472)	GF

Language:

Page 328, line 35, strike "\$213,178,894" and insert "\$212,456,422".

Page 330, line 16, strike "\$1,444,944", and insert "\$722,472".
Page 330, line 18, strike "\$1,008,000", and inset "\$504,000".
Page 330, line 21, strike "\$436,944", and insert "\$218,472".

Explanation:

(This amendment reduces \$722,472 the second year from the general fund for COVID-19 data modeling, being provided by the University of Virginia's Biocomplexity Institute and the RAND corporation to provide epidemiologic analysis for the state's response to COVID-19. This amendment removes half the second year funding assuming that after calendar year 2021, the need for such modeling would likely be mitigated as the COVID-19 pandemic subsides as a result of widespread use of vaccines. In the case that COVID-19 continues as a public health emergency for longer and the need for such modeling continues, additional funding can be provided for this purpose in the 2022 General Assembly Session.)

Item 300 #1s

Health and Human Resources

Department of Health

Language

Language:

Page 332, after line 11, insert:
"H. The provisions of § 32.1-102.4 (B), Code of Virginia, shall not apply to nursing homes."

Explanation:

(This amendment clarifies that the charity care provisions of § 32.1-102.4 (B), Code of Virginia, do not apply to nursing facilities. This is a technical amendment to ensure the appropriate interpretation of the charity care requirements, based on changes made in the 2020 General Assembly Session, are applied consistent with the intent of that legislation.)

Item 300 #2s

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

\$88,914 GF

Language:

Page 330, line 45, strike "\$21,336,679" and insert "\$21,425,593".

Explanation:

(This amendment provides \$88,914 the second year from the general fund to fund one position for administering the Behavioral Health Loan Repayment program and the Nursing Preceptor Incentive program funded in companion amendments in Item 295.)

Item 300 #3s

Health and Human Resources

Department of Health

Language

Language:

Page 332, strike lines 8 through 11.

Explanation:

(This amendment eliminates language included in the introduced budget that directs the Virginia Department of Health to provide administrative and technical support to the Virginia Partners in Prayer Program at a cost of up to \$20,000 in funding from the agency's existing budget. The department already provides support to this program and therefore this language is unnecessary.)

Item 301 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

\$250,000

GF

Language:

Page 332, line 13, strike "\$163,353,397" and insert "\$163,603,397".

Page 332, line 40, after "C." insert "1."

Page 332, after line 44, insert:

"2. Out of this appropriation, \$250,000 the second year from the general fund is provided to establish a comprehensive adult program for sickle cell disease."

Explanation:

(This amendment adds \$250,000 the second year from the general fund for a comprehensive adult sickle cell disease (SCD) program. Historically, Virginia has funded SCD care for children but not for adults. This amendment would establish a comprehensive adult program for sickle cell disease within the Office of Family Health Services and would create a model of care based on the structure of existing pediatric care models.)

Item 302 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

(\$7,364,304)

GF

Language:

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Page 333, line 20, strike "\$292,637,694" and insert "\$285,273,390".

Page 336, strike lines 9 through 16, and insert:

“H. Out of this appropriation, \$2,835,696 the second year from the general fund shall be provided to address revisions to the JLARC rate formula for the Cooperative Health Budget. These revisions and the changes in the local match rates shall be phased in over a three-year period beginning in the second year and shall be fully phased in by fiscal year 2024.”

Explanation:

(This amendment reduces \$7.4 million the second year from the general fund by phasing in over three years the increase in local matching funds and the increase in state support for the updates to the local health department cooperative funding formula. The introduced budget provided \$10.2 million, which included funding for a hold harmless in fiscal year 2022, to implement the funding formula changes. This amendment reflects one-third of the state impact in the second year as the changes are phased in over three years and, as such, a hold harmless is not necessary.)

Item 302 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$5,470,677	GF
	0.00	46.00	FTE

Language:

Page 333, line 20, strike "\$292,637,694" and insert "\$298,108,371".

Explanation:

(This amendment provides \$5.5 million the second year from the general fund in the Office of Epidemiology to support 46 additional positions in addition to the \$3.1 million included in the introduced budget provided to sustain and expand the Virginia Department of Health’s communicable disease surveillance and investigation efforts across the Office of Epidemiology and the 35 local health districts in Virginia. The introduced budget funded 12 epidemiologists and 12 communicable disease nurses across the 35 health districts and funded two epidemiology program managers in the Office of Epidemiology in the Central Office. This amendment funds a total of 35 epidemiologists and 35 communicable disease nurses, one of each position, in every local health district, to expand the Commonwealth's communicable disease surveillance and investigation capabilities. A separate amendment funds three additional epidemiology program managers in the Office of Epidemiology)

Item 302 #3s

Health and Human Resources	FY20-21	FY21-22
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Department of Health \$0 \$75,889 GF

Language:

Page 333, line 20, strike "\$292,637,694" and insert "\$292,713,583".

Explanation:

(This amendment restores \$75,889 the second year from the general fund that was originally appropriated in Chapter 1289 during the 2020 Regular Session, but then eliminated in Chapter 56 in the 2020 Special Session I. This funding supports local health districts that may experience cost increases due to moving to new facilities or rent increases in existing facilities. Health districts do not fully control the process for determining when and where their facilities will be located.)

Item 302 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	0.00	-44.00	FTE

Language:

Explanation:

(This amendment eliminates 44 positions for the Loudoun County Health District, which pursuant to Senate Bill 1221 converts the health district from a state-administered health district to a locally-administered one. Therefore, existing employees would transition to become local employees.)

Item 304 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$250,000	GF
	0.00	3.00	FTE

Language:

Page 340, line 34, strike "\$33,588,623" and insert "\$33,838,623".

Explanation:

(This amendment provides \$250,000 the second year from the general fund and three positions for the Virginia Department of Health to handle testing plans and test results of lead water testing by local schools and provides funding for the department to handle the testing plans and test results of lead water testing submitted to the agency from child care facilities.)

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Item 305 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	0.00	-1.00	FTE

Language:

Explanation:

(This amendment eliminates one general fund position included in the introduced budget that was added with the funding for a wastewater infrastructure manager. This funding is a restoration of funding previously approved in Chapter 1289 from the 2020 Session. However, the funding for this position was eliminated in Chapter 56 in the Special Session I, but the position was not removed. Therefore, this amendment corrects the position level for the agency.)

Item 307 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$60,000	GF

Language:

Page 341, line 27, strike "\$38,204,545" and insert "\$38,264,545".

Explanation:

(This amendment provides \$60,000 the second year from the general fund for the continued work of the Virginia Department of Health's Office of Drinking Water to continue its study of the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks.)

Item 307 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	(\$7,100,000)	(\$6,250,000)	GF

Language:

Page 341, line 27, strike "\$34,810,621" and insert "\$27,710,621".

Page 341, line 27, strike "\$38,204,545" and insert "\$31,954,545".

Page 343, line 1, after "appropriation,", strike "\$6,500,000 the first year and \$12,500,000", and

insert "\$6,250,000".

Page 343, line 4, after "pandemic.", insert:

"The Virginia Department of Health shall allocate no less than 20 percent of funding from state or federal sources dedicated for COVID-19 communications to use for outreach and communications to high-risk populations that have been adversely impacted by the COVID-19 pandemic more so than the general population and for which traditional communication mediums are not as effective. The department shall use such funding for alternative methods of communication, such as outreach coordinators going into communities, providing information pamphlets as part of meal pick-ups at schools, grants to community organizations, and other more effective ways at reaching high-risk populations. This funding shall also be used to translate communication materials into other languages; however the department shall not use Google Translate in any communications to non-English speakers."

Page 343, line 5, strike "Out of this appropriation,", and insert "No less than".

Page 343, line 5, strike "from the general fund" and insert "Coronavirus Relief Funds".

Explanation:

(This amendment supplants \$7.1 million the first year and \$6.3 million the second year from the general fund with available federal Coronavirus Relief Funds (CRF). The CRF funds allocated to the Department of Medical Assistance Services have not all been fully utilized, so this amendment supplants \$7.1 million in the first year and \$6.3 million the second year in CRF funds. A separate amendment in Central Appropriations reflects the change in the allocation of CRF funds. In addition, language directs a portion of the state and federal funding allocated for COVID-19 communications to be used for outreach and communications to high-risk populations that have been adversely impacted by the COVID-19 pandemic more so than the general population and for which traditional communication mediums are not as effective. It also directs the funding to be used for translation services.)

Item 307 #3s

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$746,562	GF
	\$0	\$3,567,494	NGF

Language:

Page 341, line 27, strike "\$38,204,545" and insert "\$42,518,601".

Page 341, line 52, strike "\$26,736", insert "\$773,298".

Page 341, line 52, strike "\$240,625", insert "\$3,808,119".

Page 342, line 30, "after annually", insert "by September 1 of each year".

Page 342, line 33, after "plans", insert "and their patient records viewed".

Explanation:

(This amendment adds \$746,562 from the general fund and \$3.6 million from enhanced federal

matching funds to continue funding for the Emergency Department Care Coordination (EDCC) Program and to complete several enhancements that should result in cost savings to the Commonwealth and higher-quality care for Medicaid and FAMIS beneficiaries. Language is also modified to clarify reporting requirements. The 2017 General Assembly established the EDCC program to provide a single, statewide technology solution that connects all hospital emergency departments in the Commonwealth to facilitate real-time communication and collaboration among physicians, other healthcare providers and other clinical and care management personnel for patients receiving services in hospital emergency departments for the purpose of improving the quality of patient care services. The program also integrates the state's Prescription Monitoring Program and the Advance Healthcare Directive Registry. To date, 100 percent of hospital emergency departments and health plans and 74 percent of physicians participate in the EDCC Program. The program has been successful in supporting a reduction in opioid overdoses since its implementation and has been critical in coordinating responses to the COVID-19 pandemic. The program has been funded through federal HITECH funding which provides a 90 percent federal match rate, but the federal funding will end on September 30, 2021. However, Medicaid Management Information Systems funding could be used to assist in leveraging additional federal dollars to complete the system enhancements at a 75 percent federal match rate.)

Item 309 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Health Professions	\$0	\$532,000	NGF

Language:

Page 343, line 34, strike "\$36,027,084" and insert "\$36,559,084".

Page 343, after line 51, insert:

"C. The Department of Health Professions shall have authority to increase fees from permitted pharmaceutical processors to generate up to \$532,000 the second year from nongeneral funds, as needed, for the implementation of botanical cannabis legislation pursuant to Senate Bill 1333 in the 2021 Session."

Explanation:

(This amendment provides up to \$532,000 the second year from nongeneral funds and language providing the Department of Health Professions with the authority to increase fees from permitted pharmaceutical processors pursuant to the implementation of botanical cannabis legislation pursuant to Senate Bill 1333.)

Item 309 #2s

Health and Human Resources

Department of Health Professions

Language

Language:

Page 343, after line 51, insert:

"C. The Department of Health Professions shall study and make recommendations regarding the oversight and regulation of advanced practice registered nurses (APRNs). The department shall review recommendations of the National Council of State Boards of Nursing, analyze the oversight and regulations governing the practice of APRNs in other states, and review research on the impact of statutes and regulations on practice and patient outcomes. The department shall report its findings to the Governor and General Assembly by November 1, 2021."

Explanation:

(This amendment directs the Department of Health Professions to study and make recommendations regarding the oversight and regulations of advanced practice registered nurses.)

Item 312 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

\$0
\$0

\$11,136,631 GF
\$20,682,315 NGF

Language:

Page 344, line 38, strike "\$250,286,516" and insert "\$282,105,462".

Page 345, after line 37, insert:

"H. The Department of Medical Assistance Services shall amend the Title XXI Children's Health Insurance Program (CHIP) State Plan for the Family Access to Medical Insurance Security (FAMIS) program to elect the "unborn child option" for purposes of prenatal coverage under the CHIP program, without regard to the pregnant woman's immigration or citizenship status if other applicable state eligibility requirements are met. The department shall have the authority to implement this change effective July 1, 2021, or consistent with the effective date in the State Plan Amendment approved by the Centers for Medicare and Medicaid Services (CMS), and prior to completion of any regulatory process necessary to implement this change."

Explanation:

(This amendment provides \$11.1 million from the general fund and \$20.7 million from federal funds to amend the Virginia Family Access to Medical Insurance Security (FAMIS) State Plan to allow the payment for prenatal care for all children regardless of the expectant mother's immigration status pursuant to provisions in Title XXI of the federal 2009 CHIP Reauthorization Act that includes care of all children who upon birth will be U.S. citizens, U.S. nationals, or qualified aliens. A companion amendment in the Medicaid program (Item 313) reduces expenditures by \$13.4 million general fund and \$13.4 million in matching federal

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Medicaid funds based on the adoption of this change. Consequently, the provision of these services results in a savings of \$2,292,083 to the general fund and the receipt of \$7,253,601 more from matching federal funds for the CHIP program, which has a higher federal match rate than the Medicaid program.)

Item 312 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$1,834,183)	(\$5,378,570)	GF
	\$1,834,183	\$5,378,570	NGF

Language:

Explanation:

(This amendment captures \$1.8 million from the general fund the first year and \$5.4 million from the general fund the second year and a corresponding increase in federal Children's Health Insurance Program (CHIP) matching funds to reflect the savings to the Commonwealth pursuant to enhanced federal matching funds for the fourth quarter of fiscal year 2021 and the first and second quarters of fiscal year 2022. The federal Families First Coronavirus and Response Act, passed in March 2020, increased the federal match rate for Medicaid by 6.2 percentage points until the end of the quarter in which the declared public health emergency (PHE) due to COVID-19 expires. The CHIP match rate factors in the Medicaid match rate and is therefore increased as a result. The PHE is extended in 90-day increments and was recently extended into the fourth quarter of fiscal year 2021. In addition, the Acting U.S. Secretary of Health and Human Services has informed all state Governors of their intention to extend the PHE through the end of calendar year 2021 to provide greater budget certainty to states. Therefore, this amendment also captures the savings from the first and second quarters of state fiscal year 2022.)

Item 313 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$6,304,339	\$60,829,273	GF
	\$6,304,339	\$60,829,273	NGF

Language:

Page 345, line 39, strike "\$16,291,925,668" and insert "\$16,304,534,346".

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,616,581,861".

Page 375, strike line 57 and insert:

"2. Effective May 1, 2021, the Department of Medical Assistance Services shall increase the rates for agency- and consumer-directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and

Treatment (EPSDT) program by 6.4 percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

3. Effective November 1, 2021, the Department of Medical Assistance Services shall increase the rates for agency- and consumer-directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by 14.3 percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

4. The Governor shall include in the introduced budget for the 2022 Session, submitted pursuant to § 2.2-1509, Code of Virginia, appropriations to support additional rate increases for agency- and consumer-directed personal care, respite and companion services that reflect additional increases in the state minimum wage such that the rates: (i) maintain the existing differential between the consumer-directed Rest-of-State rate above the state minimum wage; (ii) maintain the differential between the Northern Virginia and the Rest-of-State rate; and (iii) for agency-directed services are increased by the same percentage increase applied to consumer-directed services based on the prior provisions."

Page 376, strike lines 1 through 5.

Explanation:

(This amendment adds \$6.3 million from the general fund and \$6.3 million from federal Medicaid matching funds the first year and \$60.8 million the second year from the general fund and \$60.8 million in federal Medicaid matching funds the second year to increase provider rates for personal care, respite care, and companionship services provided in Medicaid waiver programs by 6.4 percent on May 1, 2021 and 14.3 percent effective November 1, 2021. These rate increases will supplement increases provided in Chapter 1289, 2020 Acts of Assembly, which provided a five percent increase beginning July 1, 2020 and a scheduled two percent increase on July 1, 2021. These rate increases enable providers to cover the direct costs for hourly care and ensure the safety of the patients and compliance with minimum wage increases scheduled to increase to \$9.50 per hour on May 1, 2021 and to \$11.00 per hour on January 1, 2022. In addition, language directs the Governor to include the appropriate rate increases as a result of changes in the state minimum wage for these services in his budget for the 2022-24 biennium for consideration in the 2022 General Assembly)

Item 313 #2s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services (DMAS) shall convene a

workgroup and make recommendations on a Medicaid home visiting benefit to support members' health, access to care and health equity. The workgroup shall include representatives from DMAS, Managed Care Organizations, the Virginia Department of Health, the Department of Health Professions, licensed and unlicensed providers of maternal and child health services, stakeholder groups, and community organizations. The workgroup shall: (i) analyze federal and state regulations and funding mechanisms impacting establishment of a Medicaid home visiting benefit; (ii) review home visiting strategies and benefits implemented in other state Medicaid programs; (iii) analyze and make recommendations on appropriate services and rates to be included in a Medicaid home visiting benefit; and (iv) project estimated costs over the next five years. The department shall report on the results and recommendations of the workgroup to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2021."

Explanation:

(This amendment directs the Department of Medical Assistance Services to convene a workgroup and make recommendations on a Medicaid home visiting benefit.)

Item 313 #3s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall defer the next scheduled nursing facility rate rebasing for one year in order to utilize the calendar year 2021 cost reports as the base year. The deferred year's rates would reflect the prior year rates inflated according to the existing reimbursement regulations. The department shall have the authority to implement these changes effective July 1, 2021, and prior to the completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment adds language directing the Department of Medical Assistance Services to defer nursing home rebasing until it is able to use 2021 cost reports in the rebasing process. Under the current rebasing schedule, cost reports ending in calendar year 2020 will be the basis of the next nursing facility rate rebasing. Due to the COVID-19 pandemic, the 2020 base year cost reports will contain significant variable data that reflects a mixture of increased costs (some permanent, others temporary) and reduced occupancy. Given the COVID-19 vaccination program, it is expected that the 2021 cost reports would not be as affected by the increased costs associated with the COVID-19 pandemic, and would better reflect ongoing Medicaid costs as a basis for the next rebasing.)

Item 313 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$10,747,100	GF
	\$0	\$10,747,100	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,516,417,515".
Page 349, line 46, strike "455" and insert "1,095".

Explanation:

(This amendment adds \$10.7 million from the general fund and a like amount of federal Medicaid matching funds in the second year to increase the number of Family and Individual Support (FIS) waiver slots by 650 in the second year bringing the total number of waiver slots funded in fiscal year 2022 to 1,200 in order to address the Priority One waiting list.)

Item 313 #5s

Health and Human Resources

Department of Medical Assistance Services Language

Language:

Page 382, after line 17, insert:
"AAAAAA. The Department of Medical Assistance Services shall modify its contracts with managed care organizations to require annual reporting, with regard to Medicaid Community Mental Health Rehabilitation Services, on: (i) the total number of provider terminations by year since FY 2018 and the number terminated with and without cause; (ii) the locality the terminated providers served; and (iii) the number of Medicaid members the providers were serving prior to termination of their provider contract. The department shall modify its contracts with the managed care organizations to require compliance with these provisions, effective July 1, 2021, such that the first reporting of this information by the managed care organizations shall be submitted by September 1, 2021."

Explanation:

(This amendment directs the Department of Medical Assistance Services to require its managed care organizations annually report, with regard to Medicaid Community Mental Health Rehabilitation Services, on information related to provider terminations.)

Item 313 #6s

Health and Human Resources	FY20-21	FY21-22
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Department of Medical Assistance Services	\$0	\$5,200,000	NGF
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Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,500,123,315".

Page 364, after line 2, insert:

"9. The department shall amend the State plan for Medical Assistance to implement a supplemental inpatient payment for Lake Taylor Transitional Care Hospital based on the difference between Medicaid reimbursement and the inpatient Upper Payment Limit for non-state, government-owned hospitals. The department shall include in its contracts with managed care organizations a percentage increase for Lake Taylor Transitional Care Hospital consistent with the fee-for-service supplemental payment percentage increase. The department shall adjust capitation payments to Medicaid managed care organizations to fund this percentage increase. Both the contract changes and capitation rate adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to Centers for Medicare and Medicaid Services approval. Prior to submitting the State Plan Amendment or making the managed care contract changes, Lake Taylor Transitional Care Hospital shall enter into an agreement with the department to transfer the non-federal share for these payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date(s) approved by the Centers for Medicare and Medicaid Services (CMS). No payments shall be made without CMS approval."

Explanation:

(This amendment adds \$5.2 million in nongeneral fund appropriation the second year and language to allow Lake Taylor Transitional Care Hospital, a non-state, government-owned hospital located in Norfolk, Virginia, to provide the Commonwealth's share of funding through an intergovernmental transfer process to procure supplemental payments from the Medicaid program.)

Item 313 #7s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$57,210	GF
	\$0	\$57,210	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,037,735".

Page 376, unstrike lines 29 through 34.

Explanation:

(This amendment provides \$57,210 from the general fund and a like amount of federal Medicaid matching funds the second year for the Department of Medical Assistance Services to amend the State Plan for Medical Assistance or any waiver under Title XIX of the Social

Security Act to increase the income eligibility for participation in the Medicaid Works Program to 138 percent of the Federal Poverty Level (FPL). Current eligibility for the Medicaid Works Program is 80 percent of the FPL and was not adjusted to 138 percent of FPL when Medicaid Expansion was implemented.)

Item 313 #8s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 365, line 10, strike "December 15, 2020", insert "November 1, 2021".

Explanation:

(This amendment extends the workgroup established to evaluate strategies to reduce unnecessary utilization by Medicaid members of emergency departments. The workgroup was delayed in beginning its deliberations and the additional time would result in better recommendations for consideration by the 2022 General Assembly Session.)

Item 313 #9s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after insert 17, insert:

"AAAAAA. The Department of Medicaid Assistance Services shall analyze utilization of Transportation Network Companies (TNC) Type II Non-Emergency Medical Transportation (NEMT) providers in the Medicaid fee-for-service program and the department's contracted managed care organizations (MCOs). The department shall identify any barriers to patient access to TNC Type II NEMT services. In its review of barriers to access TNC Type II NEMT benefits, the department shall identify any gaps in TNC Type II service contracting between the department's contracted MCOs, or their transportation brokers, and TNC Type II NEMT providers. Additionally, the department shall examine the eligible patient population for TNC Type II NEMT services to ensure all clinically indicated Medicaid beneficiaries are eligible for TNC Type II NEMT services. Further, the department shall examine the necessity of TNC Type II operating requirements and identify any extraneous service requirements limiting TNC Type II services. The department shall report its findings and recommendations to the Chairs of House Appropriations and Senate Finance and Appropriations Committees by October 1, 2021."

Explanation:

(This amendment directs the Department of Medical Assistance Services to analyze the usage of Transportation Network Companies (TNC) Type II Non-Emergency Medical Transportation (NEMT) providers in the Medicaid fee-for-service program and the department's contracted managed care organizations (MCOs) and to identify any barriers to accessing such providers.)

Item 313 #10s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$2,682,089	GF
	\$0	\$4,186,201	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,501,791,605".

Explanation:

(This amendment provides \$2.7 million from the general fund and \$4.2 million from nongeneral funds the second year for Medicaid-related costs of remote patient monitoring services provided via telemedicine for Medicaid recipients with medically necessary conditions pursuant to Senate Bill 1338.)

Item 313 #11s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$354,766	GF
	\$0	\$354,766	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,632,847".

Page 376, unstrike lines 20 through 28.

Page 376, line 27, strike "2020" and insert "2021".

Explanation:

(This amendment restores \$354,766 the second year from the general fund and a like amount of federal Medicaid matching funds to increase supplemental physician payments for physicians employed at Children's National Medical Center, a freestanding children's hospital serving the Northern Virginia region. Funding for this Item was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

Item 313 #12s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for the current procedural terminology (CPT) codes for Applied Behavioral Analysis that were added to the CPT list in January 2019, or any future updates to these CPT codes. The department shall have the authority to implement related programmatic changes to service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the Behavioral Therapy Program. The department shall have the authority to implement these changes effective December 1, 2021, and prior to completion of any regulatory process to effect such changes."

Explanation:

(This amendment adds Medicaid coverage for Applied Behavioral Analysis services that were added to current procedural terminology costs in January 2019 and provides authority to the Department of Medical Assistance Services to make changes based on future updates, including necessary changes to rates, service definitions, and other programmatic requirements.)

Item 313 #13s

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance Services

\$0
\$0

\$119,995 GF
\$119,995 NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,163,305".

Page 374, unstrike lines 14 through 23.

Page 374, line 22, strike "2020", insert "2021".

Explanation:

(This amendment restores \$119,995 from the general fund and a like amount of matching federal Medicaid funds the second year and language to require the Department of Medical Assistance Services to modify nursing facility capital reimbursement for a nursing facility that became a free-standing facility because the hospital with which the facility was associated relocated. Funding for this Item was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of

Assembly.)

Item 313 #14s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services, in coordination with the Department of Behavioral Health and Developmental Services, shall submit a request to the Centers for Medicare and Medicaid Services to amend its 1915(c) Home & Community-Based Services (HCBS) waivers to allow telehealth and virtual and/or distance learning as a permanent service option and accommodation for individuals on the Community Living, Family and Individual Services and Building Independence Waivers. The amendment, at a minimum, shall include all services currently authorized for telehealth and virtual options during the COVID-19 pandemic. The departments shall actively work with the established Developmental Disability Waiver Advisory Committee and other appropriate stakeholders in the development of the amendment including service elements and rate methodologies. The department shall have the authority to implement these changes prior to the completion of the regulatory process."

Explanation:

(This amendment adds language directing the Department of Medical Assistance Services to request amendments from the federal Centers for Medicare and Medicaid Services to the Home and Community Based Services Waivers to permanently continue telehealth and virtual and/or distance learning as service options for disabled individuals receiving these waiver services.)

Item 313 #15s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 380, line 38, after "participation." strike the remainder of the line.

Page 380, strike line 39.

Explanation:

(This amendment directs the Department of Medical Assistance Services to continue to allow, beyond the COVID-19 emergency, Medicaid agency-directed personal care and respite services to conduct telephonic supervisory visits by a licensed nurse. The department's forms would 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 313 #16s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. Notwithstanding any other provision of law, any nursing facility that increases rates or adds special charges for residents, regardless of payer and including private pay, since the beginning of the Public Health Emergency (PHE) as declared by the U.S. Secretary of Health and Human Services and during such emergency, that are 10 percent or more higher than the monthly charge in the last full month prior to the month in which the PHE began is hereby ineligible for the additional per diem rates authorized in Item 380 Paragraph LLLLL in this Act and for financial assistance provided in Item 479.10 in this Act from federal Coronavirus Relief Funds. Upon a complaint by a resident or family member that a nursing facility has imposed higher rates or special charges that exceed the threshold, the Department of Medical Assistance Services shall verify such action with the nursing facility. If the department determines the nursing facility has increased rates or imposed new charges that exceed the threshold, the department shall no longer make additional payments pursuant to the previously mentioned provisions of this Act. Furthermore, the department shall adjust future payments to such nursing facility to recapture prior payments made under those same provisions."

Explanation:

(This amendment provides that any nursing facility in the Commonwealth that has increased their rates or added additional charges during the public health emergency for COVID-19, that are 10 percent or higher than charges prior to the emergency are not eligible for the \$20 per day per diem or any financial assistance from the Coronavirus Relief Fund as authorized in the current budget. These additional funding streams were provided by the Commonwealth to assist nursing facilities during the public health emergency to help offset losses of revenue or higher costs related to the pandemic. This amendment ensures that nursing facilities that dramatically increase their charges or add special fees to recover costs during the public health emergency are not eligible for the additional state assistance and would also be required to repay any prior payments from that assistance.)

Item 313 #17s

Health and Human Resources

FY20-21

FY21-22

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Department of Medical Assistance	\$0	(\$13,428,714)	GF
Services	\$0	(\$13,428,714)	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,468,065,887".

Explanation:

(This amendment captures savings of \$13.4 million from the general fund and \$13.4 million from federal matching Medicaid funds from extending the provision for the payment of prenatal care for pregnant women through the Medicaid program regardless of the expectant mother's status, pursuant to provisions in Title XXI of the federal 2009 CHIP Reauthorization Act that includes care of all children without regard for an expectant mother's citizenship status who would otherwise be eligible under state requirements. A companion amendment in the FAMIS program (Item 312) adds language and funding for this initiative. The provision of these services results in a savings of \$2.3 million to the general fund and the receipt of \$7.3 million more from matching federal funds for the CHIP program, which has a higher federal match rate than the Medicaid program.)

Item 313 #18s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$34,718	GF
Services	\$0	\$34,718	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,494,992,751".

Pag 376, unstrike lines 35 through 39.

Explanation:

(This amendment provides \$34,718 from the general fund and a like amount of federal Medicaid matching funds the second year to add tobacco cessation services to the Medicaid program for adults not otherwise currently covered. The federal Patient Protection and Affordable Care Act (ACA) requires that Medicaid provide coverage for prevention services, including tobacco cessation, for individuals enrolled pursuant to the ACA. This amendment allows all adults in Medicaid to have access to tobacco cessation services.)

Item 313 #19s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	(\$39,410,177)	\$0	GF
Services	\$39,410,177	\$0	NGF

Language:

Page 346, line 54, strike "\$527,992,971" and insert "\$567,403,148".

Page 347, after line 7, insert:

"4. Any repayment by managed care organizations resulting from exceeding their profit caps for not meeting the medical loss ratios pursuant to their contracts with the Department of Medical Assistance Services, shall be deposited to the Health Care Fund."

Explanation:

(This amendment reduces \$39.4 million from the general fund the first year and adds an equivalent amount of nongeneral fund appropriation to reflect a non-participating tobacco manufacture's payment to the Health Care Fund. Since this fund is used as state match for Medicaid, additional revenue to the fund offsets the general fund match for Medicaid. In addition, language also clarifies that repayments from managed care organizations are to be deposited to the Health Care Fund.)

Item 313 #20s

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

(\$114,851,105)
\$114,851,105

(\$191,551,022) GF
\$191,551,022 NGF

Language:

Explanation:

(This amendment captures \$114.9 million from the general fund the first year and \$191.6 million from the general fund the second year and a corresponding increase in federal Medicaid matching funds to reflect the savings to the Commonwealth pursuant to enhanced federal matching funds for the fourth quarter of fiscal year 2021 and the first and second quarters of fiscal year 2022. The federal Families First Coronavirus and Response Act, passed in March 2020, increased the federal match rate for Medicaid by 6.2 percentage points until the end of the quarter in which the declared public health emergency (PHE) due to COVID-19 expires. The PHE is extended in 90-day increments and was recently extended into the fourth quarter of state fiscal year 2021. In addition, the Acting U.S. Secretary of Health and Human Services has informed all state Governors of their intention to extend the PHE through the end of calendar year 2021 to provide greater budget certainty to states. Therefore, this amendment also captures the savings from the first and second quarters of fiscal year 2022. The general fund savings for the state behavioral health facilities are also factored into these numbers and total \$808,764 the first year and \$1.8 million the second year.)

Item 313 #21s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	(\$104,168)	GF
Services	\$0	\$2,314,798	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,497,133,945".

Page 346, line 55, strike "\$496,601,500", insert "\$496,705,668".

Page 382, after line 17, insert:

"AAAAAA. The Department shall amend the State Plan for Medical Assistance to allow payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services."

Explanation:

(This amendment provides \$2.2 million from federal Medicaid funds the second year related to expanding Medicaid coverage of school-based services outside of a student's individualized education program. There is no state match required as the local schools certify local expenditures as the state match. The amendment also reflects a savings of \$104,168 from the general fund the second year since five percent of the additional federal funding for school-based services is retained by the state and deposited to the Health Care Fund, which offset general fund costs.)

Item 313 #22s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	(\$800,000)	\$0	GF
Services	(\$800,000)	\$0	NGF

Language:

Page 345, line 39, strike "\$16,291,925,668" and insert "\$16,290,325,668".

Page 346, line 7, after "A.", strike "1".

Page 346, strike lines 11 through 16.

Explanation:

(This amendment reduces \$800,000 from the general fund the first year and a like amount of federal Medicaid matching funds to reflect the temporary pause in Medicaid billing by the Commonwealth Center for Children and Adolescents (CCCA) as a result of not meeting the accreditation standards necessary to bill for Medicaid. The facility is expected to begin billing again in the second year once accreditation is achieved, so this amendment adjusts the appropriation in the first year only. Language is also removed that would have allowed these funds to be transferred to CCCA; however such action is unnecessary as the facility is using special funds to cover the loss in Medicaid revenue.)

Item 313 #23s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	(\$10,062,988)	GF
	\$0	(\$38,332)	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,484,821,995".

Explanation:

(This amendment removes \$10.1 million from the general fund and \$38,332 in federal Medicaid matching funds to reflect the updated timeline for the phase-in of community behavioral health services in Medicaid. The redesign of these services was originally planned to be implemented beginning January 2021, however the budget impacts of COVID-19 resulted in delaying the beginning date to July 1, 2021. In the Special Session budget, Chapter 56, the full second year funding was restored, but the funding did not reflect the revised timeline. This amendment adjusts funding for these services to reflect the updated timeline including how the various services will be phased in over the next year.)

Item 313 #24s

Health and Human Resources

Department of Medical Assistance Services Language

Language:

Page 381, line 38, strike "\$16" and insert "\$13".

Page 381, line 41, after "fee.", insert:

"The department is authorized to set the administration fee at the same level as the Medicare reimbursement rates for COVID-19 vaccines if federal law or policy changes such that the Medicaid costs of the COVID-19 vaccine administration fee is 100 percent reimbursed from federal funds."

Explanation:

(This amendment corrects the fee amount included in the introduced budget for Medicaid reimbursement for vaccine administration in a pharmacy. Currently, Medicaid does not have a vaccine administration fee for pharmacists. The introduced budget directs the Department of Medical Assistance Services to establish such a fee and sets the fee at \$16. The department's budget assumptions for this fee was \$13. This amendment corrects the language to reflect the \$13 administration fee as reflected in the actual appropriation otherwise there would be a \$7.1 million general fund shortfall in Medicaid. Language is added that if the federal government decides to provide a 100 percent federal match for vaccine administration fees related to COVID-19, then the department is authorized to increase the fee to the Medicare reimbursement level.)

			Item 314 #1s
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$15,000,000	\$0	GF

Language:

Page 382, line 18, strike "\$821,702" and insert "\$15,821,702".

Page 382, after line 34, insert:

"C. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services and the Department of Planning and Budget, shall develop criteria to provide support payments to Medicaid Developmental Disability Waiver providers that have experienced a significant disruption in operations and revenue during the COVID-19 public health emergency (PHE). The criteria shall include: (i) first priority to provide financial support for providers that have received no other state or federal assistance to date during the PHE, including supported employment providers; (ii) the second priority shall be other waiver providers that have received some limited assistance from state and federal sources, including day support providers, but may need additional assistance; (iii) the third priority to support other waiver providers that are still in operation and are at risk of closing due to the PHE disruption and for which the Commonwealth needs to maintain an adequate provider network such that when the PHE emergency ends there are sufficient providers to meet the service needs of Medicaid members; (iv) a support payment amount to be based on the provider's Medicaid monthly revenue and service authorizations prior to the PHE, however, for the period of assistance provided to the provider the payment may not exceed 65 percent of that prior monthly revenue; (v) the time period for assistance, which may not exceed three months; and (vi) other relevant criteria to meet the intent of this funding. The department shall issue guidelines within 20 days of enactment of this Act. After the guidelines are issued providers shall have 30 days to submit their applications consistent with the guidelines. The department shall determine the appropriate payments based on the guidelines, which shall be

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prorated if funding is insufficient, and begin making the payments no later than 30 days after the provider submission deadline. Any unexpended balance as of June 30, 2021 shall not revert to the general fund, but shall be reappropriated for this purpose into FY 2022."

Explanation:

(This amendment adds \$15.0 million the first year from the general fund to provide support payments to Medicaid Developmental Disability Waiver providers. Payments would help support the stabilization of providers during COVID-19 and would retain community service capacity after the pandemic ends.)

		Item 315 #1s	
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$1,762,463) \$1,762,463	(\$5,250,333) \$5,250,333	GF NGF

Language:

Explanation:

(This amendment captures \$1.8 million from the general fund the first year and \$5.3 million from the general fund the second year and a corresponding increase in federal Children's Health Insurance Program (CHIP) matching funds to reflect the savings to the Commonwealth pursuant to enhanced federal matching funds for the fourth quarter of fiscal year 2021 and the first and second quarters of fiscal year 2022. The federal Families First Coronavirus and Response Act, passed in March 2020, increased the federal match rate for Medicaid by 6.2 percentage points until the end of the quarter in which the declared public health emergency (PHE) due to COVID-19 expires. The CHIP match rate factors in the Medicaid match rate and is therefore increased as a result. The PHE is extended in 90-day increments and was recently extended into the fourth quarter of state fiscal year 2021. In addition, the Acting U.S. Secretary of Health and Human Services has informed all state Governors of their intention to extend the PHE through the end of calendar year 2021 to provide greater budget certainty to states. Therefore, this amendment also captures the savings from the first and second quarters of state fiscal year 2022.)

		Item 317 #1s	
Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	(\$1,000,000)	GF

Language:

Page 383, line 13, strike "\$283,053,336" and insert "\$282,053,336".

Explanation:

(This amendment reduces by \$1.0 million general fund the second year funding provided in the introduced budget for managed care operational changes. This action leaves \$1.2 million from the general fund for this purpose. The agency's administrative budget can absorb any additional costs necessary to implement these changes.)

Item 317 #2s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$53,247	GF
Services	\$0	\$103,361	NGF

Language:

Page 383, line 13, strike "\$283,053,336" and insert "\$283,209,944".

Explanation:

(This amendment provides \$53,247 general fund and \$103,361 in federal Medicaid matching funds in the second year to fund the costs of an on-going orientation program for consumer-directed home care workers providing in-home care under the state's Medicaid program pursuant to Senate Bill 1102.)

Item 317 #3s

Health and Human Resources

Department of Medical Assistance Services Language

Language:

Page 355, line 10, after "EE.", insert "1."

Page 355, line 12, after "Social Security Act to", delete the remainder of the line, and insert: "merge the Commonwealth Coordinated Care Plus and Medallion 4.0 managed care programs, effective July 1, 2022, into a single, streamlined managed care program that links seamlessly with the fee-for-service program, ensuring an efficient and well-coordinated Virginia Medicaid delivery system that provides high-quality care to its members and adds value for providers and the Commonwealth. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

2. The Department of Medical Assistance shall undertake a review of current contracts and staffing to determine the operational savings that would result from merging the Commonwealth Coordinated Care Plus and Medallion 4.0 managed care programs and may use such administrative savings that are available to fund other upfront costs associated with

merging the two managed care programs. The department shall report on its review of such administrative cost savings and merger-related costs by October 1, 2021 to the Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees."

Page 355 strike lines 13 through 54.

Page 356, strike lines 1 through 28.

Explanation:

(This amendment directs the Department of Medical Assistance Services to merge the Commonwealth Coordinated Care Plus and Medallion 4.0 managed care programs, effective July 1, 2022, into a single, streamlined managed care program that links seamlessly with the fee-for-service program, ensuring an efficient and well-coordinated Virginia Medicaid delivery system that provides high-quality care to its members and adds value for providers and the Commonwealth.)

Item 317 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$50,000	GF
	\$0	\$50,000	NGF

Language:

Page 383, line 13, strike "\$283,053,336" and insert "\$283,153,336".

Page 385, after line 21, insert:

"3. The Department of Medical Assistance Services shall post on its website the complete State Plan for Medical Assistance along with all amendments in an easily searchable format to be accessible to the public.

4. Within five days of any submission of a state plan amendment to the Centers for Medicare and Medicaid Services, the Department of Medical Assistance Services shall post such submission in its website. The department shall also post any federal approval documents once the state plan amendment is approved.

5. The department shall publish a document on its website, updated annually, that lists all policy changes, including their fiscal impact, for the Medicaid program for the preceding fiscal year."

Explanation:

(This amendment provides \$50,000 from the general fund and \$50,000 from federal Medicaid matching funds to support efforts to publish the complete State Plan for Medical Assistance and amendments and other supporting materials on the Department of Medical Assistancess Services' website to be more publicly accessible.)

Item 317 #5s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	(\$742,622) \$742,622	(\$427,900) \$427,900	GF NGF

Language:

Page 391, after line 24, insert:

"II. The Department of Planning and Budget shall, if the public health emergency is extended into the third or fourth quarters of the second year extending the enhanced federal match pursuant to the federal Families First Coronavirus Response Act, calculate the general fund savings in the Children's Health Insurance Program administrative appropriation and unallot such amount. These savings shall revert to the general fund at the end of the fiscal year."

Explanation:

(This amendment captures \$742,622 from the general fund the first year and \$427,900 from the general fund the second year and a corresponding increase in federal Children's Health Insurance Program (CHIP) matching funds to reflect the savings to the Commonwealth pursuant to enhanced federal matching funds for fiscal year 2021 and the first and second quarters of state fiscal year 2022. The federal Families First Coronavirus and Response Act, passed in March 2020, increased the federal match rate for Medicaid by 6.2 percentage points until the end of the quarter in which the declared public health emergency (PHE) due to COVID-19 expires. The PHE is extended in 90-day increments and was recently extended into the fourth quarter of state fiscal year 2021. In addition, the Acting U.S. Secretary of Health and Human Services has informed all state Governors of their intention to extend the PHE through the end of calendar year 2021 to provide greater budget certainty to states. Therefore, this amendment also captures the savings from the first and second quarters of state fiscal year 2022. The CHIP match rate factors in the Medicaid match rate and therefore results in a higher match. Unlike Medicaid the administrative expenditures of the CHIP program uses the same match rate as used for medical spending. Language is also included directing the Department of Planning and Budget to unallot any additional savings that results from an extension of the PHE.)

Item 317 #6s

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0 \$0 0.00	(\$1,166,180) (\$6,959,211) -4.00	GF NGF FTE

Language:

Page 383, line 13, strike "\$283,053,336" and insert "\$274,927,945".
Page 391, strike lines 18 through 24.

Explanation:

(This amendment removes \$1.2 from the general fund and \$7.0 million from nongeneral funds and four positions to fund the fiscal impact of legislation to establish the Virginia Facilitated Enrollment Program. No bill was introduced in the Senate.)

Item 318 #1s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 392, line 36, after "department" strike the remainder of the line and insert:
"for up to six months beyond the duration of the Governor's emergency declaration for COVID-19."

Explanation:

(This amendment modifies the extension allowed on conditional licenses for providers licensed by the Department of Behavioral Health and Developmental Services. A conditional license is granted to a provider who has successfully completed the application process but has not yet admitted individuals for service. It is time limited and can only be renewed one time for a total of twelve months. Due to the COVID-19 pandemic conditional licenses could be extended beyond 12 months, until December 31, 2020. This amendment allows an extension for up to six months past the duration of the Governor's emergency declaration.)

Item 320 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and
Developmental Services

\$0

\$175,000 GF

Language:

Page 393, line 43, strike "\$110,804,911" and insert "\$110,979,911".

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services (DBHDS), in coordination with the Department of Medical Assistance Services (DMAS), shall contract with a vendor to review all current Medicaid Developmental Disability (DD) waiver provider rates and rate methodologies to ensure an adequate network of quality DD Waiver providers. DBHDS shall submit a rate rebase report with recommendations, including the projected fiscal impact on the Commonwealth, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021. At a minimum, the report shall include a thorough review and alignment of each service rate methodology to reflect current service definitions and documentation requirements, the impact of minimum wage increases,

appropriate Bureau of Labor Statistics wage percentiles, and appropriate rate differentials for high cost areas of Virginia. All rate assumptions shall be based on the level of need. The vendor shall specifically evaluate the rates for the Supported Living Residential waiver service to ensure appropriate utilization of that service. The department shall actively work with the established DBHDS Provider Issue Resolution Workgroup in the development of its report."

Explanation:

(This amendment adds \$175,000 the second year from the general fund to require the Department of Behavioral Health and Developmental Services in coordination with the Department of Medical Assistance Services to review all current Medicaid Developmental Disability (DD) waiver provider rates and rate methodologies to ensure an adequate network of quality DD Waiver providers. The agency is required to report on its findings by September 1, 2021, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.)

Item 320 #2s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services shall continue the Temporary Detention Order Evaluator Workgroup established during the 2020 Session in Senate Bill 768. The workgroup shall report its implementation plan to the Governor, and Chairs of House Health, Welfare, and Institutions Committee, Senate Education and Health Committee, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021."

Explanation:

(This amendment directs the Department of Behavioral Health and Developmental Services to continue the Temporary Detention Order Evaluator Workgroup established during the 2020 Session in Senate Bill 768. The workgroup shall report its implementation plan to the Governor, and Chairs of House Health, Welfare, and Institutions Committee, Senate Education and Health Committee, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.)

Item 320 #3s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services shall establish a workgroup to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards for shared patients subject to an Emergency Custody Order and under evaluation for a Temporary Detention Order. The department shall report its findings and recommendations to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.)

Explanation:

(This amendment directs the Department of Behavioral Health and Developmental Services to establish a workgroup to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards for shared patients subject to an Emergency Custody Order and under evaluation for a Temporary Detention Order.)

Item 320 #4s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 398, line 17, strike "non-narcotic," and insert "appropriate".

Explanation:

(This amendment eliminates language requiring the use of non-narcotic, long-acting injectable prescription drug treatment regimens used for drug treatment court programs. Instead, it requires the use of appropriate long-acting injectable prescription drug treatment regimens.)

Item 320 #5s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services shall preserve historic microfiche records at Central State Hospital and work with interested partners to digitize such records to be added to the Central State Hospital Digital Library and Archives Project in order to make such information publicly available to researchers or other interested parties."

Explanation:

(This amendment directs the Department of Behavioral Health and Developmental Services to preserve historic microfiche records at Central State Hospital and work with interested partners to digitize such records to be added to the Central State Hospital Digital Library and Archives Project.)

Item 320 #6s

Health and Human Resources	FY20-21	FY21-22	
Department of Behavioral Health and Developmental Services	\$0	\$3,750,000	GF

Language:

Page 393, line 43, strike "\$110,804,911" and insert "\$114,554,911".

Page 398, line 33, unstrike "\$7,500,000" and strike "\$3,750,000".

Page 398, line 35, after "hospital care", insert "or to increase capacity in the community for patients on the Extraordinary Barriers List".

Explanation:

(This amendment provides \$3.8 million the second year from the general fund to fully restore funding for alternative inpatient options to state behavioral health hospital care through the establishment of two-year pilot projects to reduce census pressures on state hospitals. A total of \$7.5 million each year was approved in the 2020 Session, but the funding was unallotted due to the revenue impact from the Coronavirus Pandemic. Half the funding was restored in the Special Session in Chapter 56 and this amendment restores the remaining amount. The amendment also clarifies that pilot projects could also include the option to build community capacity for patients on the Extraordinary Barriers List in order to relieve census pressure.)

Item 320 #7s

Health and Human Resources	FY20-21	FY21-22	
Department of Behavioral Health and Developmental Services	0.00	-5.00	FTE

Language:

Explanation:

(This amendment reduces the position level for the Department of Behavioral Health and Developmental Services for five positions that were added with the funding for administrative costs of STEP-VA. This funding is a restoration of funding previously approved in Chapter 1289 from the 2020 Session. However, the funding for these positions was eliminated in

Chapter 56 in the Special Session I, but the position level was not reduced. Therefore, this amendment corrects the position level for the agency.)

Item 320 #8s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services, in collaboration with the Virginia Treatment Center for Children (VTCC), shall examine and develop strategies to better utilize VTCC in assisting with relief for the census pressures on the Commonwealth Center for Children and Adolescents (CCCA). The strategies to be examined shall include, but are not limited to: (i) diversion strategies when CCCA is near capacity; (ii) increasing the number of Temporary Detention Order admissions; and (iii) operating as a step-down facility from CCCA. The department shall report its finding and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and the the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by July 1, 2021."

Explanation:

(This amendment directs the Department of Behavioral Health and Developmental Services to work with the Virginia Treatment Center for Children (VTCC) to examine and develop strategies that better utilize VTCC in assisting with relief on the census pressures on the Commonwealth Center for Children and Adolescents (CCCA).

Item 321 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and Developmental Services

\$0

\$150,000

GF

Language:

Page 399, line 42, strike "\$61,270,529" and insert "\$61,420,529".

Page 401, unstrike lines 5 through 8.

Page 401, line 5, strike "\$150,000 the first year and".

Explanation:

(This amendment provides \$150,000 the second year from the general fund to provide for the transportation costs of patients discharged from state hospitals that were admitted under a

Temporary Detention Order (TDO). Oftentimes individuals under a TDO are transported to a state facility that is hours away from the individual's home location and therefore upon discharge may have difficulty getting transportation back to their home location. These funds were included in the budget passed in March during the 2020 Session, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the Chapter 56 budget adopted in the 2020 Special Session.)

Item 321 #2s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 401, line 24, after "services.", insert:

"The funding shall only be provided to members that are accredited by the Council on Accreditation of Peer Recovery Support Services (CAPRSS)."

Explanation:

(This amendment modifies the criteria to receive funds from a passthrough grant to the Virginia Association of Recovery Residencies such that the funds can only be provided to members that are accredited by the Council on Accreditation of Peer Recovery Support Services (CAPRSS).)

Item 321 #3s

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and
Developmental Services

\$0

\$143,260 GF

Language:

Page 399, line 42, strike "\$61,270,529" and insert "\$61,413,789".

Explanation:

(This amendment restores \$143,260 from the general fund the second year to expand the Adverse Childhood Experiences (ACE) initiative. It supports a full-time Central Office position to: (i) provide oversight over 100 ACE Interface Master Trainers across the Commonwealth; (ii) plan and develop additional ACE Interface Master Trainer Cohorts in their region; and (iii) plan and facilitate monthly learning community meetings for each training cohort; etc. These funds were included in the budget passed in March during the 2020 Session, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the Chapter 56 budget adopted in the 2020 Special Session.)

Item 321 #4s

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 400, line 11, after "services.". insert:

"The Department of Behavioral Health and Developmental Services shall report quarterly on the the distributions of this funding to Community Services Boards (CSB). The report shall include the amounts distributed to each CSB, the total annual allocation of funding for each CSB, the current available funding balance for each CSB, and any reallocations of funding between CSBs. The report shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than 20 days after the end of each fiscal quarter."

Explanation:

(This amendment directs the Department of Behavioral Health and Developmental Services to report quarterly on the distribution of funding provided to Community Services Boards (CSB) for the purchase of acute inpatient or community-based psychiatric services (known as LIPOS).)

Item 322 #1s

Health and Human Resources

Grants to Localities

Language

Language:

Page 405, line 35, after "regimens.", insert:

"In expending any amount, the department shall prioritize allocation of the funding to any portion of medication assisted treatment that are not covered by insurance."

Page 405, line 36, strike "non-narcotic, non-addictive," and insert "appropriate".

Page 405, line 37, after "probation;" insert "or".

Page 405, line 38, after "jail", strike "; or (iii)", and insert:

". The department shall ensure that a portion of the funding is used for appropriate prescription drug treatment regimens for individuals who are".

Explanation:

(This amendment modifies language in the introduced budget related to medication assisted treatment for individuals who are addicted to opioids. Language changes require that a portion of the funding be used for appropriate prescription drug treatment regimens, instead of solely non-narcotic, long-acting injectable prescription drug treatment regimens. This change allows the service provider to prescribe the most effective treatment option for the individual obtaining

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treatment services. The amendment also clarifies that funding should be prioritized to those who are not otherwise insured.)

Item 322 #2s

Health and Human Resources	FY20-21	FY21-22	
Grants to Localities	\$0	\$2,100,800	GF

Language:

Page 402, line 8, strike "\$554,715,057" and insert "\$556,815,857".

Page 405, line 53, after "first year and", unstrike "\$3,700,800".

Page 406, line 1, strike "\$1,600,000".

Explanation:

(This amendment restores \$2.1 million the second year from the general fund to expand forensic discharge planning services at three additional jails with a high percentage of inmates with serious mental illness. The General Assembly provided \$1.6 million from the general fund in fiscal year 2020 for discharge planning services at two local jails. Discharge planning includes linking inmates with serious mental illness to community providers for treatment and housing and other needed services as they transition from jails to the community. These funds were included in the budget passed in March during the 2020 Session, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the Chapter 56 budget adopted in the 2020 Special Session.)

Item 326 #1s

Health and Human Resources	FY20-21	FY21-22	
Mental Health Treatment Centers	(\$2,142,601)	(\$4,285,202)	GF
	\$2,142,601	\$4,285,202	NGF

Language:

Page 408, line 27,, strike "the general fund" and insert "federal funds".

Page 408, line 28, after "facilities." insert:

"The department shall coordinate with the Virginia Department of Health (VDH) and local health districts as appropriate to coordinate its testing and surveillance activities in order to access federal ELC Enhancing Detection Expansion grant funding provided to VDH through the Centers for Disease Control."

Explanation:

(This amendment supplants \$2.1 million the first year and \$4.3 million the second year from the general fund with federal funds from the ELC Enhancing Detection Expansion grant funding

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provided to the Virginia Department of Health (VDH) through the Centers for Disease Control. The federal Consolidated Appropriations Act, 2021 that was signed into law on December 27, 2020 and provides substantial federal funding to states for COVID-19 testing. The estimate for Virginia is about \$490 million. This amendment directs the Department of Behavioral Health and Developmental Services to coordinate its COVID-19 surveillance activities for state facilities with VDH in order to access those federal funds.)

	Item 326 #2s	
Health and Human Resources	FY20-21	FY21-22
Mental Health Treatment Centers	\$0	\$765,428 GF

Language:

Page 408, line 2, strike "\$286,799,776" and insert "\$287,565,204".

Explanation:

(This amendment restores \$765,428 the second year from the general fund to provide critical clinical staffing at the Commonwealth Center for Children and Adolescents. These funds were included in the budget passed in March during the 2020 Session, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the Chapter 56 budget adopted in the 2020 Special Session.)

	Item 339 #1s	
Health and Human Resources	FY20-21	FY21-22
Department for Aging and Rehabilitative Services	\$0	\$1,000,000 GF

Language:

Page 411, line 47, strike "\$100,388,245" and insert "\$101,388,245".

Page 413, line 15, after "first year and", unstrike "\$6,976,719."

Page 413, line 16, strike "\$5,976,719".

Explanation:

(This amendment provides \$1.0 million from the general fund the second year to increase contracts with community based brain injury service providers to provide for cost increases to bring salaries in line with market demands in order to ensure staff retention, address existing case management waiting lists, enhance virtual programming, expand partnerships, and development responses to the high-intensity needs of Virginians with brain injury, especially those related to COVID-19 and the opioid epidemic.)

Item 339 #2s

Health and Human Resources	FY20-21	FY21-22	
Department for Aging and Rehabilitative Services	\$0	\$425,000	GF

Language:

Page 411, line 47, strike "\$100,388,245" and insert "\$100,813,245".
 Page 413, line 6, unstrike the second "\$5,521,858".
 Page 413, line 6, strike the second "\$5,096,858".

Explanation:

(This amendment adds \$425,000 the second year from the general fund to support 17 Centers for Independent Living that provide independent living services including independent living skills training, advocacy, information and referral, peer mentoring, and transition services to people with significant disabilities. Transition services include youth transition services, services for individuals trying to transition from nursing facilities and other institutions, and services to prevent institutionalization.)

Item 340 #1s

Health and Human Resources	FY20-21	FY21-22	
Department for Aging and Rehabilitative Services	\$0	\$150,000	GF

Language:

Page 414, line 9, strike "\$36,139,218" and insert "\$36,289,218".
 Page 415, unstrike lines 28 through 35.
 Page 415, line 28, strike "\$150,000 the first year and".
 Page 415, line 35, after "year." insert:

"The services provided through this program shall be coordinated with the Department of Behavioral Health and Developmental Services to help address the inappropriate utilization of state psychiatric beds by patients with dementia."

Explanation:

(This amendment restores funding the second year from the general fund budget to provide an interdisciplinary plan of care and dementia care management for 50 Virginia residents diagnosed with dementia. The service would be provided through a partnership with the memory and aging care clinic at the University of Virginia and the Alzheimer's Association. Funding of \$150,000 each year of the 2020-22 biennium was provided in Chapter 1289, 2020 Acts of Assembly to serve 50 individuals diagnosed with dementia. That funding was unallotted

and subsequently eliminated in Chapter 56, 2020 Special Session I Acts of Assembly. This amendment would restore the funding in fiscal year 2022 enabling the program to serve 50 individuals with dementia.)

Item 350 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Social Services

\$0

\$1,400,000

GF

\$0

\$15,928,859

NGF

Language:

Page 420, line 44, strike "\$152,429,363" and insert "\$169,758,222".

Page 423, line 4, after "O." insert "1."

Page 423, line 6, strike "2020." and insert:

"2021 and 18 percent effective July 1, 2022."

Page 423, after line 6, insert:

"2. The Department of Social Services shall develop a plan to increase the standards of assistance by 18 percent annually until they equal 50 percent of the federal poverty level."

Explanation:

(This amendment adds \$1.4 million from the general fund and \$15.9 million from the Temporary Assistance to Needy Families (TANF) block grant the second year to increase the standards of assistance by 18 percent beginning in fiscal year 2022. Language requires the Department of Social Services to develop a plan to increase the standards of assistance by 18 percent annually until the standards equal 50 percent of the federal poverty level, which is estimated to take four years. TANF eligibility is tied to the monthly cash assistance value. In 1985, a three person family in the City of Richmond could be eligible with net income below 48 percent of the federal poverty level. To qualify now, the family's net income must be less than 30 percent of the federal poverty level.)

Item 350 #2s

Health and Human Resources

Department of Social Services

Language

Language:

Page 424, after line 6, insert:

"W. The Department of Social Services shall develop demonstration projects with a goal of assisting families to earn a living wage and escape poverty. The projects shall include a benefit cliff pilot, a pilot to demonstrate the role of location as a key determinant for health and economic success, and a pilot program to determine the impact of cashing out key program

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supports. The Department of Social Services shall determine the authority needed to implement the demonstration projects as outlined in the Social Security Act, the Food and Agriculture Act of 1977, and other federal legislation that provides for the development and testing of demonstration projects. The department shall identify federal and private grants that are available to help fund these demonstration projects. The department shall prepare a report on each proposed demonstration project that describes the project, identifies a funding amount needed, and indicates whether federal funds or other private funding is available to help implement such projects and shall submit the report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021."

Explanation:

(This amendment adds language directing the Department of Social Services to develop several anti-poverty demonstration projects for consideration by the General Assembly.)

	Item 350 #3s	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$2,120,420 NGF

Language:

Page 420, line 44, strike "\$152,429,363" and insert "\$154,549,783".

Page 424, after line 6, insert:

"W. Out of this appropriation, \$2,120,420 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided for the Department of Social Services to implement a program so that TANF-eligible individuals may save funds in an individual development account established for the purposes of home purchase, education, starting a business, transportation, or self-sufficiency. The TANF funds shall be deposited to the individual development accounts at a match rate determined by the department."

Explanation:

(This amendment adds \$2.1 million the second year from the Temporary Assistance to Needy Families block grant for the implementation of individual development accounts for TANF recipients by the Department of Social Services.)

	Item 350 #4s	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$25,000 GF

Language:

Page 420, line 45, strike "\$152,429,363" and insert "\$152,454,363".

Page 424, after line 6, insert:

"W. Out of this appropriation, \$25,000 from the general fund the second year shall be deposited to the Virginia Digital Equity Pilot Program Fund."

Explanation:

(This amendment provides \$25,000 from the general fund the second year to fund Senate Bill 1462 which establishes a broadband pilot project in order to augment federal assistance funding (FCC Lifeline) for households currently participating in the Supplemental Nutrition Assistance Program. This funding would serve between 150 to 300 households with commensurate administrative funding to start the program. Funds of \$5.75 per household augments the \$9.25 federal assistance to equal the cost to afford low cost internet access of \$15 a month).

Item 350 #5s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	(\$1,000,000)	GF
	\$0	(\$1,436,986)	NGF

Language:

Page 420, line 45, strike "\$152,429,363" and insert "\$149,992,377".

Explanation:

(This amendment reduces \$1.0 million from the general fund and \$1.4 million from federal funds the second year for the Supplemental Nutrition Employment and Training Program. This amendment reduces that additional funding by about half, thereby reducing the number of localities to which the program would expand.)

Item 351 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$2,150,048	GF
	\$0	\$2,175,528	NGF

Language:

Page 424, line 9, strike "\$525,386,732" and insert "\$529,712,308".

Page 425, unstrike lines 7 through 11.

Page 425, line 8, strike "each" and insert "the second".

Page 425, line 9, strike "2021" and insert "2022".

Explanation:

(This amendment provides \$2.2 million from the general fund and \$2.2 million from nongeneral

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funds the second year to increase the minimum pay band for local departments of social services positions in fiscal year 2022. The pay band minimum would increase by 20 percent for family services positions and 15 percent for all other benefit program services positions, self sufficiency services positions, and administration positions that are currently below the new minimum threshold.)

		Item 351 #2s	
Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$84,004	GF
	\$0	\$51,203	NGF

Language:

Page 424, line 9, strike "\$525,386,732" and insert "\$525,521,939".

Explanation:

(This amendment provides \$84,004 from the general fund and \$51,203 from nongeneral funds the second year to fund the fiscal impact on local departments of social services' workload associated with the Senate Bill 1321, which expands the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption.)

		Item 351 #3s	
Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	(\$376,910)	GF
	\$0	(\$2,709,766)	NGF
	0.00	-2.00	FTE

Language:

Page 424, line 9, strike "\$525,386,732" and insert "\$522,300,056".

Explanation:

(This amendment removes \$376,910 from the general fund and \$2.5 million from nongeneral funds that would have funded the fiscal impact of legislation to establish the Virginia Facilitated Enrollment Program. No bill was introduced in the Senate.)

		Item 353 #1s	
Health and Human Resources	FY20-21	FY21-22	

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Department of Social Services \$0 \$4,400,000 GF

Language:

Page 426, line 8, strike "\$41,177,762" and insert "\$45,577,762".

Page 426, line 23, after "\$1,420 per month", insert "and effective July 1, 2021, a rate of \$1,704 per month".

Explanation:

(This amendment provides \$4.4 million from the general fund the second year to increase the Auxiliary Grant (AG) rate, a state supplement that provides maintenance and care to aged, blind, and disabled adults residing in assisted living facilities (ALF), adult foster care homes, or supportive housing settings, by 20 percent on July 1, 2021.)

Item 353 #2s

Health and Human Resources

FY20-21

FY21-22

Department of Social Services

\$0

\$750,000 GF

Language:

Page 426, line 8, strike "\$41,177,762" and insert "\$41,927,762".

Page 427, after line 6, insert:

"G. Out of this appropriation, \$750,000 the second year from the general fund shall be transferred to the Virginia Sexual and Domestic Violence Prevention Fund."

Explanation:

(This amendment provides \$750,000 the second year from the general fund for the Virginia Sexual and Domestic Violence Prevention Fund that was created pursuant to Senate Bill 297 in the 2020 Session. The program would be administered by the Department of Social Services and the Department of Health. The fund will award grants on a competitive basis to local sexual and domestic violence agencies engaged in evidence-informed sexual and domestic violence prevention work.)

Item 354 #1s

Health and Human Resources

FY20-21

FY21-22

Department of Social Services

\$0

(\$260,406) GF

\$0

(\$99,594) NGF

Language:

Page 427, line 8, strike "\$261,995,376" and insert "\$261,635,376".

Explanation:

(This amendment reduces \$260,406 from the general fund and \$99,594 from nongeneral funds the second year for the fiscal impact of Senate Bill 1338, which establishes the State-Funded Kinship Guardianship Assistance Program (State KinGAP), which allows payments to be made to relatives, including fictive kin, who receive custody of a child. A corresponding amendment in the Children's Services Act reflects the increase in maintenance payments from the State KinGAP program while this amendment reflects the decrease in Title IV-E program costs as some children will transition to the State-Funded Kinship Guardship Assistance Program, which has lower maintenance payments than the Title IV-E program.)

Item 354 #2s

Health and Human Resources

Department of Social Services

Language

Language:

Page 431, after line 23, insert:

"X. The Department of Social Services shall create a diversion program supporting relative and fictive kin families who have received temporary physical and legal custody from the court that makes use of all federal and state monies available to provide a payment to relative and fictive kin families who have temporary custody through a court order. The department shall report on the program to the Chairs of the House Health, Welfare and Institutions, House Appropriations, Senate Rehabilitation and Social Services, and Senate Finance and Appropriations Committees by December 1, 2021, with the steps needed to implement the diversion program."

Explanation:

(This amendment adds language directing the Department of Social Services to create a diversion program supporting relative and fictive kin families who receive custody of a child from the court and report the steps to implement such program to the House Health, Welfare and Institutions, House Appropriations, Senate Rehabilitation and Social Services, and Senate Finance and Appropriations Committees by December 1, 2021.)

Item 354 #3s

Health and Human Resources

FY20-21

FY21-22

Department of Social Services

\$0

\$3,500,000 NGF

Language:

Page 427, line 8, strike "\$261,995,376" and insert "\$265,495,376".

Page 431, after line 23, insert:

"X. The Department of Social Services shall extend payments to children aging out of the Fostering Futures program past age 21 through September 30, 2021."

Explanation:

(This amendment adds language to extend payments to children aging out of the Fostering Futures program through September 30, 2021. The recently passed federal Coronavirus Relief and Response Supplemental Appropriations Act has extended the John H. Chafee Foster Care Program for Successful Transition to Adulthood funding through September 2021. These funds can be used to support children aging out of services during the COVID-19 pandemic.)

Item 354 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$2,923,178)	(\$5,846,356)	GF
	\$2,923,178	\$5,846,356	NGF

Language:

Explanation:

(This amendment captures \$2.9 million the first year and \$5.8 million the second year from the general fund and includes an offsetting amount of federal Title IV-E foster care funding to reflect a higher federal match rate. The federal Families First Coronavirus and Response Act, passed in March 2020, increased the federal match rate for Medicaid by 6.2 percentage points until the end of the quarter in which the declared COVID-19 public health emergency (PHE) expires. The federal Title IV-E programs used the Medicaid match rate to determine the state and federal share of the program. The PHE is extended in 90-day increments and was recently extended into the fourth quarter of state fiscal year 2021. In addition, the Acting U.S. Secretary of Health and Human Services has informed all state Governors of their intention to extend the PHE through the end of calendar year 2021 to provide greater budget certainty to states. Therefore, this amendment also captures the savings from the first and second quarters of state fiscal year 2022.)

Item 356 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$500,000	NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,457,967".
 Page 432, line 45, after "first year and", strike "\$1,500,000", and insert "\$2,000,000".

Explanation:

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(This amendment provides \$500,000 from the Temporary Assistance to Needy Families block grant funds the second year to Northern Virginia Family Services. The additional funds are for the specific purpose of providing services and wrap-around supports to Virginians suffering impacts from COVID-19 in all northern Virginia counties, cities and towns. Services and supports include but are not limited to: the provision of food, financial assistance to prevent homelessness, access to health and mental health care, childcare and workforce development programs.)

Item 356 #2s

Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$500,000	\$0 GF

Language:

Page 431, line 34, strike "\$61,857,967" and insert "\$62,357,967".

Page 435, unstrike lines 40 through 42.

Page 435, line, 42, after "support.", insert:

"Any unexpended balance as of June 30, 2021, shall not revert to the general fund but shall be reappropriated in FY 2022."

Explanation:

(This amendment provides \$500,000 the first year from the general fund for the Laurel Center to support the rehabilitation of an existing freight station building located adjacent to the emergency shelter. This building will house the Empowerment Program and provide a safe and convenient location for job readiness and skills training for survivors of domestic violence.)

Item 356 #3s

Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$200,000 GF

Language:

Page 431, line 34, strike "\$60,957,967" and insert "\$61,157,967".

Page 431, after line 32, insert:

"Out of this appropriation, \$200,000 the second year from the general fund is provided for the Department of Social Services to increase interpretation and translation services to help immigrants in Virginia access local resources through 2-1-1, including healthcare, housing, and other social services."

Explanation:

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(This amendment provides \$200,000 the second year from the general fund for the Department of Social Services to increase interpretation and translation services to help immigrants in Virginia access local resources through 2-1-1, including healthcare, housing, and other social services.)

Item 356 #4s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$250,000)	\$0	GF

Language:

Page 431, line 35, strike "\$61,857,967" and insert "\$61,607,967".
 Page 436, strike lines 10 through 11.

Explanation:

(This amendment removes \$250,000 from the general fund the first year for a new passthrough grant provided in the introduced budget for Children's Harbor, a child care provider in Hampton Roads, to expand services on the Eastern Shore.)

Item 357 #1s

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$45,653)	(\$182,610)	GF
	(\$103,404)	\$0	NGF

Language:

Page 436, line 13, strike "\$43,640,542" and insert "\$43,491,485".
 Page 436, line 13, strike "\$16,494,086" and insert "\$16,311,476".

Explanation:

(This amendment reduces \$45,656 from the general fund and \$103,404 from nongeneral funds the first year and \$182,610 from the general fund the second year for the purchase of personal protective equipment (PPE) for licensing inspectors related to COVID-19. The Virginia Department of Emergency Management should be able to secure PPE for the Department of Social Services' licensing inspectors based on the substantial funding that agency has received to purchase PPE.)

Item 359 #1s

Health and Human Resources

Department of Social Services

Language

Language:

Page 440, after line 43, insert:

"K. The Department of Social Services as administrator of the federal Community Services Block Grant shall establish an interagency working group to develop recommendations for implementation of local criminal justice diversion programs. Each diversion program should offer standards for providing persons charged with lower-level offenses alternatives to arrest, conviction or incarceration for lower-level offenses. The scope of these programs shall not include behavioral health issues as those priorities are being addressed elsewhere. The working group should include the appropriate offices and agencies of Health and Human Resources, Commerce and Trade, Public Safety and Homeland Security and the Governor's Chief Diversity, Equity and Inclusion Officer. The interagency working group shall work with community action agencies, local governments including local law enforcement, representatives of the judicial system, civil rights organizations as well as other stakeholders to develop locally-based solutions. The recommendations shall provide for two-generation whole family strategies that deal with meeting the needs of the potential offender and his or her entire family by addressing issues related to poverty, including homelessness. The Department of Social Services shall submit its recommendations to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee no later than September 30, 2021."

Explanation:

(This amendment establishes an interagency working group to develop recommendations for local criminal justice diversion programs to provide alternatives to arrest, conviction or incarceration for lower-level offenses.)

	Item 359 #2s		
Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$923,804)	(\$923,804)	GF
	(\$1,224,577)	(\$1,224,577)	NGF

Language:

Page 438, line 39, strike "\$121,912,263" and insert "\$119,763,882".
Page 438, line 39, strike "\$118,755,668" and insert "\$116,607,287".

Explanation:

(This amendment removes \$923,804 from the general fund and \$1.2 million nongeneral funds each year included in the introduced budget for Virginia Case Management System non-Medicaid modifications.)

Item 373 #1s

Natural Resources

FY20-21

FY21-22

Department of Conservation and Recreation

\$0

\$170,000 GF

Language:

Page 447, line 9, strike "\$84,750,087" and insert "\$84,920,087".

Explanation:

(This amendment restores \$170,000 GF the second year that was unallotted in Chapter 1289 for the environmental education experiences identified in Item 373, Paragraph K. This request recognizes the commitment Virginia made to its students and the importance environmental education plays in developing and nurturing watershed stewards. These funds provide for meaningful interactions and learning opportunities for students throughout the Chesapeake Bay watershed.)

Item 373 #2s

Natural Resources

Department of Conservation and Recreation

Language

Language:

Page 451, following line 36, insert:

“R. The Department of Conservation and Recreation and the Virginia Department of Agriculture and Consumer Services shall convene a workgroup including the Department of Forestry, the Virginia Department of Transportation, the Department of Wildlife Resources, the Virginia Native Plant Society, the Virginia Association of Counties, the Virginia Municipal League, Blue Ridge PRISM, the Audubon Society of Northern Virginia, the Virginia Nursery and Landscape Association, the Virginia Agribusiness Council, the Virginia Farm Bureau Federation, and a representative of the Virginia Cooperative Extension Program with expertise in crop and weed sciences to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants. In conducting this assessment, the workgroup shall examine measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified in the list of Virginia invasive plant species maintained by the Department of Conservation and Recreation. The workgroup shall evaluate measures including: (i) labeling plants as invasive plant species at the point of sale; (ii) taxing the sale of invasive plant species and applying revenues to the removal of invasive plant species or the restoration of sites for native habitat; (iii) adding

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invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services through regulations adopted pursuant to Chapter 8 (§ 3.2-800 et seq.) of Title 3.2 of the Code of Virginia (the Noxious Weed List); (iv) supporting education and outreach, including state partnerships with nonprofit organizations dedicated to the preservation of Virginia's natural heritage, regarding the reduction of the use of invasive plant species and the promotion of the use of noninvasive or native plant species as substitutes; and (v) introducing measures to increase the use of native plants on properties and projects owned by localities or the Commonwealth. The workgroup shall submit its assessment, including any recommendations regarding statutory changes and changes to regulations or guidance documents adopted by relevant agencies, including changes related to the placement of plant species on the Noxious Weed Lists, to the Governor and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than December 1, 2021.”

Explanation:

(This amendment directs the creation of a stakeholder workgroup to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.)

		Item 374 #1s	
Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	\$1,511,600	GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$82,736,747".

Page 454, following line 29, insert:

"S. Included in the amounts for this Item is \$1,511,600 the second year from the general fund to connect Mason Neck State Park to a public drinking water supply system."

Explanation:

(This amendment provides \$1.5 million GF in the second year for the costs of connecting Mason Neck State Park to the local municipal drinking water system.)

		Item 374 #2s	
Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$1,412,000	\$0	GF

Language:

Page 451, line 38, strike "\$72,102,316" and insert "\$73,514,316".

Page 452, following line 36, insert:

"4. In addition to the amounts provided in paragraph C.1., the Department is authorized to provide \$1,412,000 in the first year from the general fund for the modernization of the Rhododendron Restaurant and lodge unit repairs."

Explanation:

(This amendment provides \$1.4 million GF in the first year to modernize and repair lodge units and the Rhododendron Restaurant. This investment will support a key component of the Breaks Interstate Park's five-year strategic plan, make the park more sustainable from a maintenance perspective, and significantly boost overnight visitation.)

	Item 374 #3s	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	(\$3,500,000) GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$77,725,147".

Page 452, line 6, following "Virginia." insert:

"Out of the amounts in the second year, and pursuant to the provisions of § 4-13.00 of this Act, the Virginia Land Conservation Foundation shall reserve an amount up to \$5,000,000 for the identification and evaluation of a project focused on the preservation of tribal lands of the Chickahominy Tribe and for the conservation and preservation of River Farm in Alexandria, Virginia. Consideration of these projects shall be consistent with the policies and practices of the Foundation pursuant to § 10.1-1020, Code of Virginia."

Page 454, strike line 17 through line 18.

Explanation:

(This amendment provides for the consideration of one-time funding of up to \$5.0 million for the identification, acquisition of preservation of tribal lands for the Chickahominy Tribe and for the conservation and preservation of River Farm.)

	Item 374 #4s	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	(\$4,000,000) GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$77,225,147".
 Page 454, line 19, strike "\$5,000,000" and insert "\$1,000,000",
 Page 454, line 21, following "Cemetery" insert "."
 Page 454 line 21, strike "and creation of".
 Page 454, line 22, strike "the Harmony Living Shoreline Memorial".
 Page 454, line 22, strike "all aspects of".
 Page 454, line 23, strike "the project to include but not limited to".
 Page 454, line 25, following "Farm", strike "," and insert "and".
 Page 454, line 27, following "located", strike "," insert "." and strike the remainder of the line.
 Page 454, strike line 28 through line 29.

Explanation:

(This amendment limits the scope of Project Harmony to the removal and relocation of the Columbian Harmony tombstones from Virginia to the New Harmony Cemetery in Landover, Maryland.)

	Item 374 #5s		
Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$740,000	\$0	GF

Language:

Page 451, line 38, strike "\$72,102,316" and insert "\$72,842,316".
 Page 451, line 49, strike "\$35,624,459" and insert "\$36,364,459".
 Page 454, unstrike line 4 through line 6.

Explanation:

(This amendment restores \$740,000 GF in the first year as a source of matching funds for the construction of Riverfront Park in the City of Danville. This funding was approved in the 2020 Session and subsequently unallotted.)

	Item 377 #1s		
Natural Resources	FY20-21	FY21-22	
Department of Environmental Quality	\$0	\$115,000	GF
	0.00	1.00	FTE

Language:

Page 455, line 31, strike "\$52,900,649" and insert "\$53,015,649".

Explanation:

(This amendment provides \$115,000 the second year from the general fund and one position for the Department of Environmental Quality to administer permit-by-rule applications for energy storage projects pursuant to the provisions of SB 1207 of the 2021 General Assembly.)

Item 377 #2s

Natural Resources	FY20-21	FY21-22	
Department of Environmental Quality	\$0 0.00	\$230,000 2.00	GF FTE

Language:

Page 455, line 31, strike "\$52,900,649" and insert "\$53,130,649".

Page 457, following line 41, insert:

"M. The Director of the Department of Environmental Quality shall convene a working group for the purpose of developing an annual or project-based fee schedule for the the review of erosion and sediment control plans related to solar energy project applications. The working group shall include representatives of (i) private sector companies that own or operate solar energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders determined by the Department to be necessary to the development of the fee schedule."

Explanation:

(This amendment provides the funding for staffing dedicated to the erosion and sediment control program to review for solar project permitting and provide this service to projects upon the request of a locality pursuant to the provisions of SB 1258 of the 2021 General Assembly.)

Item 377 #3s

Natural Resources

Department of Environmental Quality	Language
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Language:

Page 457, following line 41, insert:

"M. The Department of Environmental Quality, in consultation with the Department of Agriculture and Consumer Services and the Department of Forestry, shall establish a workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds. If it is determined that there is impact on farmland retention/availability, the report should include recommendations regarding how the nutrient

credit trading regulations and/or underlying statutory authority should be changed to help reduce the loss of prime farmland. If the land for nutrient credits is converted to forestland, the workgroup should identify what protections are in the nutrient credit trading regulations to ensure the forestland is managed under a forestry management plan and/or noxious weed or invasive species are controlled. The review shall be completed and provided to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation, and Natural Resources and the Virginia delegation of the Chesapeake Bay Commission by December 1, 2021. The workgroup shall include representatives of the Virginia Agribusiness Council, Virginia Farm Bureau, the Chesapeake Bay Commission, Virginia Cooperative Extension, the Virginia Department of Transportation, Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, representatives from local Soil and Water Conservation Districts, representatives of local governments, local economic development officials, and other stakeholders deemed appropriate by the Department."

Explanation:

(This amendment directs the creation of a multi-agency workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds.)

Item 377 #4s

Natural Resources

Department of Environmental Quality

Language

Language:

Page 457, following line 41, insert:

"M. The Department of Environmental Quality shall convene a workgroup, in conjunction with the Department of Health and the Department of Agriculture and Consumer Services, to conduct research and complete a single collaborative report that provides findings and recommendations related to: (i) the location, frequency, and severity of harmful algae blooms in Virginia waters; (ii) the factors that lead to the formation and occurrence of harmful algae blooms; and, (iii) plans and strategies for state agencies to lead or support appropriate mitigation efforts. The workgroup shall provide its findings to the Chairs of the House Agriculture, Chesapeake and Natural Resources Committee and Senate Agriculture, Conservation and Natural Resources Committee no later than September 1, 2021."

Explanation:

(This amendment directs DEQ, VDACS, and VDH to convene a joint workgroup to provide a report on the prevalence of harmful algae blooms in Virginia waters and strategies to address

their occurrence.)

Item 377 #5s

Natural Resources

Department of Environmental Quality

Language

Language:

Page 457, unstrike line 20 through line 29.

Page 457, line 30, unstrike "Virginia." and strike the remainder of the line.

Page 457, strike line 31 through line 41.

Explanation:

(This amendment reverses the proposed water quality enhancement fee included in SB 1100, as introduced.)

Item 378 #1s

Natural Resources

Department of Environmental Quality

Language

Language:

Page 458, line 31, following "Department." strike the remainder of the line.

Page 458, strike line 32 through line 37.

Explanation:

(This amendment removes a proposed modification to the language agreed to by the General Assembly regarding the regulation of hydrofluorocarbons in existing manufacturing processes in Virginia.)

Item 382 #1s

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 461, following line 25, insert:

"Notwithstanding § 29.1-113, Code of Virginia, access permit fees at boat ramps owned or managed by the Department of Wildlife Resources shall not be assessed prior to July 1, 2022, pending a study by the Department on the costs and benefits of such fees and the impact of said

fees on recreational users in Virginia. As part of this study, the Department shall convene a stakeholder group for the purpose of developing and providing recommendations on access permit fees, various alternatives, and other issues related to the use and maintenance of Department-owned boat ramp facilities. The stakeholder work group shall be composed of representatives of registered boat owners, paddlecraft liveries, outdoor outfitters, and other non-registered vessel recreational users of such boat ramps, or other affected parties the Department deems necessary. The Department shall report the study findings, conclusions and recommendations to the Governor and Chairs of the House Appropriations and Agriculture, Chesapeake and Natural Resources Committees and the Chairs of the Senate Finance and Appropriations and Agriculture, Conservation and Natural Resources Committees by October 1, 2021.”

Explanation:

(This amendment delays by one fiscal year the authority of the Department of Wildlife Resources to assess fees for access to boat ramps it owns or manages.)

Item 383 #1s

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 461, strike line 35 through line 44, and renumber accordingly.

Explanation:

(This amendment removes an obsolete requirement that the Department of Wildlife Resources notify specific Standing Committee Chairs prior to consolidation of regional offices or reorganization of divisional responsibilities.)

Item 383 #2s

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 462, following line 22, insert:

“F. The Directors of the Departments of Wildlife Resources and Conservation and Recreation shall assess the feasibility of developing the Rapidan Wildlife Management Area into a State Park and provide a copy of its assessment to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than November 1, 2021. This assessment shall include, but not be limited to, the impact on wildlife

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currently within the management area; any restrictions of deeds, easements, covenants or grant funding used in the initial acquisition of the wildlife management area; capital costs for developing recreational access and overnight accommodations; ongoing operational costs of the proposed facility; and an anticipated timeline for phased access to public recreational facilities within the existing master planning process.”

Explanation:

(This amendment requires the DWR and DCR to assess the feasibility of converting the existing Rapidan Wildlife Management Area into a State Park.)

		Item 385 #1s	
Natural Resources	FY20-21	FY21-22	
Department of Historic Resources	\$0 0.00	\$250,000 1.00	GF FTE

Language:

Page 462, line 43, strike "\$8,020,283" and insert "\$8,270,283".

Page 466, following line 12, insert:

"W. The Department of Historic Resources is authorized to enter into an agreement with one or more Virginia-based Historically Black Colleges and Universities to provide paid internships to enrolled students for data collection and outreach activities to expand Virginia's historical property catalogue to include underrepresented African American and indigenous communities. Included within the amounts in this Item, \$100,000 the second year from the general fund is provided for an initial cohort group in Fiscal Year 2022."

Explanation:

(This amendment provides \$250,000 to the Department of Historic Resources for the expansion of Virginia’s historical property catalogue to include underrepresented African American and indigenous communities. Included in these amounts is \$110,000 to support one new FTE, \$100,000 for a grant program to provide paid internships in partnership with Virginia’s HBCU's to conduct fieldwork, and \$40,000 for cultural data enrichments and database enhancements for the Virginia Cultural Resources Information System.)

		Item 386 #1s	
Natural Resources	FY20-21	FY21-22	
Department of Historic Resources	\$139,328	\$139,328	GF

Language:

Page 466, line 14, strike "\$973,912" and insert "\$1,113,240".

Page 466, line 14, strike "\$973,912" and insert "\$1,113,240".

Page 466, strike line 22 through line 23, and insert:

"As a condition of receipt of funding in this Item, and consistent with the provisions of § 4-13.00 of this Act, it is the intent of the General Assembly that all funding designated in Item 385 shall be provided by the department as expressly stated therein."

Explanation:

(This amendment restores operational and administrative support at the Department of Historic Resources that was approved during the 2020 Session, but subsequently unallotted. In addition the language requires the Department to comply with the explicit intent of the General Assembly, and in a manner consistent with all current laws, in administering the funding designated in Item 385. Included within this amount is funding for in-band compensation adjustments for a variety of professional staff as recommended by the Department of Human Resources.)

Item 391 #1s

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 471, after line 13, insert:

"G. The Secretary, in consultation with the Department of Planning and Budget, and the Secretary of Finance, as well as appropriate public safety or other agency staff, shall evaluate existing funding that has been previously authorized for the enforcement of laws related to controlled substance prohibition. The Secretary shall identify, for controlled substances which have recently been decriminalized or legalized, sources of funding that are authorized for enforcement activities, including funding dedicated to patrol, arrests, incarceration, training, or other activities, that may be saved and reallocated towards other programs. The Secretary shall report on the information required in this paragraph to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2021."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security to evaluate available base funding in the budget in order to identify savings pursuant to the reduction or elimination of penalties for the possession of controlled substances that may be reallocated to drug treatment and rehabilitation programs.)

Item 391 #2s

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 471, after line 13, insert:

"G. The Secretary of Public Safety and Homeland Security shall, as part of the workgroup created pursuant to Senate Bill 1339, include a comprehensive review of all systems and processes necessary for the expungement or sealing of police or court records. The review shall examine improvements in technology, systems improvements, and automation of manual processes that would improve the cost-effectiveness of expungements and sealing of records, including consideration of the technology, systems and processes utilized by other states, in order to accommodate the requirements of the legislation passed by the General Assembly. The Secretary shall also report on the projected costs of changes to systems and processes for consideration in the 2022 General Assembly Session. The Secretary shall report on the workgroup's findings and recommendations consistent with the date in the legislation."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security as part of the workgroup created pursuant to Senate Bill 1339 to include a comprehensive review of all systems and processes necessary for the expungement or sealing of police or court records and to report on the costs of needed improvements to the General Assembly.)

Item 394 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Virginia Alcoholic Beverage Control Authority	\$0 0.00	\$1,000,000 10.00	NGF FTE

Language:

Page 471, line 42, strike "\$24,692,092" and insert "\$25,692,092".

Explanation:

(This amendment provides \$1.0 million from nongeneral funds and ten positions the second year for the Virginia Alcoholic Beverage Control Authority's Bureau of Law Enforcement to increase enforcement related to direct shipment of alcohol.)

Item 394 #2s

Public Safety and Homeland Security	
Virginia Alcoholic Beverage Control Authority	

Language

Language:

Page 472, strike lines 18 through 23.

Explanation:

(This amendment eliminates authority provided in the introduced budget to authorize a Treasury Loan for the Virginia Alcoholic Beverage Control Authority to fund the start-up costs associated with legislation related to the legalization and governance of adult use marijuana products. The legislation passed by the Senate establishes a new authority making the language no longer necessary.)

Item 400 #1s

Public Safety and Homeland Security

Department of Corrections

Language

Language:

Page 478, line 25, after "\$500.", insert:

"The department shall amend its contract with the vendor that operates the Lawrenceville Correctional Center to require that this funding is provided as a bonus for correctional officers and require an accounting of the funding to the department. The department shall report on the use of this funding, including the number of correctional officers provided a bonus and, if applicable, any balances remaining to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by June 30, 2021."

Explanation:

(This amendment requires the Department of Corrections to ensure that the funding included in the introduced budget to provide a \$500 bonus for each correctional officer at Lawrenceville Correctional Center, employed by a private contractor that operates the facility, is expended only for such purpose.)

Item 400 #2s

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Corrections

\$0

\$250,000 GF

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,581,843".

Page 478, after line 25 insert:

"N. Out of this appropriation, \$250,000 from the general fund in the second year is provided for the Department of Corrections to provide expanded video visitation services for inmates."

Explanation:

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(This amendment provides \$250,000 from the general fund in the second year for expanded and subsidized prison family video visitation services. The purpose of this budget amendment is to promote public safety by allowing constructive reintegration for offenders with their families and children, to increase family and community ties prior to the release of the offender, and decrease the likelihood of recidivism.)

Item 400 #3s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$0 0.00	\$471,420 5.00	GF FTE

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,803,263".

Page 478, after line 25 insert:

"N. Out of this appropriation, \$471,420 the second year from the general fund is provided to fund five positions to implement the recommendations of the Secretary of Public Safety and Homeland Security's workgroup on Access to Sex Offender Treatment."

Explanation:

(This amendment adds \$471,420 from the general fund and five positions in the second year to partially fund the short-term recommendations that were included in the Secretary of Public Safety and Homeland Security's November 2020 Report "Access to Sex Offender Treatment in Virginia Prisons." Funding is included for two offender management positions to screen for sex offender risk at the beginning of an inmate's sentence and three positions in the sex offender services unit to increase the number of sex offender treatment providers dedicated to the provision of sex offender services.)

Item 400 #4s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$0 0.00	\$100,000 1.00	GF FTE

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,431,843".

Page 478, after line 25, insert:

"N. Out of this appropriation, \$100,000 the second year from the general fund is provided for one coordinator position to review and oversee the modifications to the operating procedures in the Department of Corrections related to restrictive housing pursuant to required changes included in legislation passed in the 2021 General Assembly. As part of the the review of the

use of restricted housing, the department shall report on current restrictive housing procedures related to medical and mental health evaluations, existing staff that support such evaluations, and report on how legislative changes would impact the current workload of such staff. The department, in collaboration with the Department of Juvenile Justice that shall also conduct a review of its procedures and staffing impacts, shall report on its findings and any potential cost impact to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021."

Explanation:

(This amendment provides \$100,000 the second year from the general fund for a coordinator position to review and oversee the modifications to the operating procedures in the Department of Corrections related to restrictive housing pursuant to required changes included in legislation passed in the 2021 General Assembly (Senate Bill 1301). The Department of Juvenile Justice would also need to review their procedures. A report on the findings and any potential cost impact would be made to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021.)

Item 402 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$0	\$350,000	GF

Language:

- Page 479, line 35, strike "\$180,965,434" and insert "\$181,315,434".
- Page 482, line 26, after "first year" insert "and \$350,000 the second year."
- Page 483, after line 6, insert:
 "23. Senate Bill 1113, 2021 Session -- \$50,000
 24. Senate Bill 1336, 2021 Session -- \$50,000
 25. Senate Bill 1461, 2021 Session -- \$50,000
 26. Senate Bill 1310, 2021 Session -- \$50,000
 27. Senate Bill 1339, 2021 Session -- \$50,000
 28. Senate Bill 1395, 2021 Session -- \$50,000
 29. Senate Bill 1406, 2021 Session -- \$50,000."

Explanation:

(This amendment provides \$350,000 from the general fund in the second year to the Corrections Special Reserve Fund to reflect the estimated impact on utilization of beds in the Commonwealth's adult correctional centers resulting in changes in criminal sentencing pursuant to seven bills that passed the Senate.)

Item 402 #2s

Public Safety and Homeland Security

Department of Corrections

Language

Language:

Page 481, line 54, after "Q." insert "1."

Page 482, after line 3, insert:

"2. Prior to the award of any contract to a vendor for implementation of electronic health records, the Department of Corrections shall report on the total costs of implementing electronic health records at all of its facilities based on the selected vendor. The department shall certify that it has sufficient on-going funding for full implementation at all facilities prior to awarding a contract. If the department has insufficient base funding, then it shall not award any contract until sufficient funding has been appropriated by the General Assembly. The department shall report on all funding currently budgeted for the project, the timeline for implementation, and the interoperability of the system. The department shall utilize its nongeneral funds appropriated for this purpose prior to using the general fund appropriation. The department shall report on the project and provide its certification to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees prior to the award of any contract."

Explanation:

(This amendment provides that the Department of Corrections report on the costs of implementing electronic health records across its facilities and certify that it has sufficient funding for full implementation prior to awarding any contract to a vendor.)

	Item 402 #3s		
Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$0 0.00	\$160,000 2.00	GF FTE

Language:

Page 479, line 35, strike "\$180,965,434" and insert "\$181,125,434".

Page 483, after line 31, insert:

"Y. Out of this appropriation, \$160,000 the second year from the general fund is provided to the Department of Corrections for two full-time staff to support the Board of Local and Regional Jails."

Explanation:

(This amendment provides \$160,000 the second year from the general fund to support two positions dedicated to the Board of Local and Regional Jails pursuant to Senate Bill 1363, which expands the Board's oversight to include the state correctional system.)

Item 410 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Emergency Management	\$0	\$2,500,000	GF

Language:

Page 493, line 24, strike "\$28,699,285" and insert "\$31,199,285".
 Page 494, line 24, after "first year" insert "and \$2,500,000 the second year."

Explanation:

(This amendment adds \$2.5 million the second year from the general fund to continue funding for the Emergency Shelter Upgrade Assistance Fund to aid local governments in proactively preparing for emergency sheltering situations on an on-going basis.)

Item 411 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Emergency Management	(\$41,965,587)	\$0	GF

Language:

Page 494, line 37, strike "\$65,063,392" and insert "\$23,097,805".
 Page 495, line 31, strike "\$41,965,587 the first year and".
 Page 495, line 35, strike "\$31,144,081 the first year and".
 Page 495, line 39, strike "\$569,833 the first year and".
 Page 495, line 42, strike "\$8,050,173 the first year and".
 Page 495, line 46, strike "\$2,201,500 the first year and".
 Page 495, line 53, after "report", strike "the".
 Page 496, line 1, strike "use of the funds in FY 2021 along with".

Explanation:

(This amendment reduces \$42.0 million the first year from the general fund that was provided in the introduced budget to the Virginia Department of Emergency Management for coordinating response and recovery efforts related to the COVID-19 pandemic. The Commonwealth recently received federal reimbursement for prior COVID-19 related expenses that were paid from the federal Coronavirus Relief Fund (CRF), authorized pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. This federal funding allows the general fund provided in the introduced budget in the first year to be supplanted with newly available federal CRF funds. A separate amendment in Central Appropriations modifies the allocations from the CRF for this purpose.)

Item 423 #1s

Public Safety and Homeland Security

Department of Juvenile Justice

Language

Language:

Page 506, line 21, strike "6." and insert "C.1."

Page 506, after line 24, insert:

"2. In procuring any new security systems or components for the existing facility at Bon Air from such funds available in this Item, the Department shall consider ways to reuse the system procured in a future facility. To that end, the Department shall work with the Department of General Services to plan for reuse of a previously acquired security system in any future new facility constructed, to the extent feasible."

Explanation:

(This amendment directs the Department of Juvenile Justice to consider potential reuse of a security system in a new facility in the future, in the acquisition and procurement of such system for the existing facility at Bon Air.)

Item 425 #1s

Public Safety and Homeland Security

FY20-21

FY21-22

Department of State Police

\$0

\$501,990 GF

0.00

5.00 FTE

Language:

Page 507, line 7, strike "\$74,070,135" and insert "\$74,572,125".

Page 509, after line 10, insert:

"Q. Out of this appropriation, \$501,990 the second year from the general fund is provided to the Department of State Police for five positions for cold case investigators to support efforts to resolve such cases."

Explanation:

(This amendment provides \$501,990 the second year from the general fund and five positions in the second year to support five cold case investigators. Legislation in the 2020 Session established a cold case file database and this funding will support ongoing work in the program.)

Item 425 #2s

Public Safety and Homeland Security

Department of State Police

Language

Language:

Page 509, after line 10, insert:

"Q. The Superintendent of State Police shall report on the feasibility of establishing a registry for determining eligibility to lawfully possess a firearm for on-site rental use at a sport shooting range, based on existing state and federal laws concerning possession of firearms by persons with a history of mental illness. The report shall consider, at a minimum: (i) the information technology changes needed to collect the necessary information to determine if the renter of a firearm for on-site use is prohibited from possessing a firearm under any applicable state or federal law; (ii) the appropriate form or mechanism for collection of information to determine the mental health and criminal history of customers of sport shooting ranges; (iii) the reasonable timeline by which the registry can be implemented; and (iv) any necessary costs for implementation of a mental health background check registry for on-site firearms rentals. The department shall report to the General Assembly on the information required in this paragraph by September 30, 2021."

Explanation:

(This amendment requires the Superintendent of State Police to report on the steps needed to establish a registry for determining eligibility to rent a firearm for on-site use at sport shooting ranges.)

		Item 426 #1s	
Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	(\$2,310,700)	GF

Language:

Page 509, line 13, strike "\$300,057,282" and insert "\$297,746,582".

Page 511, line 16, after "R.", insert "1".

Page 511, line 16, strike "\$9,488,184" and insert "\$7,177,484"

Page 511, after line 16, insert:

"The Department of Planning and Budget shall unallot the appropriation provided in Paragraph R.1. at the beginning of FY 2022. The Department of State Police shall provide additional information and justification on the increase in funding for vehicle replacements. This information shall include a detailed overview of specific types of vehicles by various automobile manufacturers that are available for the agency's use and the rationale for the agency's preferred manufacturer and type of vehicle over the others. As part of this information, the department shall provide detailed information on the specific equipment needed for the vehicles and whether certain vehicle types or vehicles from different manufacturers alter the

type or cost of equipment modifications needed for the vehicles. No sooner than 30 days after this information is provided to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Department of Planning and Budget is authorized to allot the funding."

Explanation:

(This amendment reduces \$2.3 million the second year from the general fund for the replacement of State Police vehicles. The introduced budget proposed \$9.5 million in additional funding. This additional funding is on top of existing base funding of \$12.7 million spent on vehicle replacement and repair. The adjustment is based on maintaining the current turnover rate of 350 vehicles per year at approximately 130,000 miles. Funding is provided for the department to purchase SUVs and associated equipment. Language is included to unallot the appropriation until such time as the department provides additional information and justification on the increase in funding for vehicle replacements, which would include a detailed overview of specific types of vehicles by various automobile manufacturers that are available for the agency's use and the rationale for the agency's preferred manufacturer and type of vehicle over the others.)

Item 426 #2s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$28,547,132	NGF

Language:

Page 509, line 12, strike "\$300,057,282" and insert "\$328,604,414".

Page 511, after line 28 insert:

"S. Out of this appropriation, \$28,547,132 the second year shall be provided from the Public Safety Trust Fund to support the Department of State Police's Compensation, Compression, and Retention Plan for State Troopers. The department is authorized to implement the plan effective in the pay period beginning August 10, 2021."

Explanation:

(This amendment provides \$28.5 million from the Public Safety Trust Fund in the second year to fully fund the Department of State Police's Trooper Compensation Plan. The Public Safety Trust Fund is created pursuant to Senate Bill 1211 and is supported by an additional vehicle registration fee of \$4.00 per year beginning July 1, 2021. The Fund will be used to establish a sworn pay structure that promotes an inclusive, diverse, and well-qualified workforce by fully addressing compensation issues that negatively impact staffing, retention, and pay compression issues at the Department of State Police.)

Item 427 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$1,145,246	GF

Language:

Page 511, line 30, strike "\$32,359,876" and insert "\$33,505,122".

Explanation:

(This amendment provides \$1.1 million from the general fund the second year for the Department of State Police to coordinate and provide training to state and local law enforcement agencies in Drug Recognition Expert techniques in order to provide effective detection and enforcement for driving under the influence of drugs, including marijuana. Approximately half of the funding is intended for course seats for political subdivisions, community colleges, and university law enforcement agencies. Funding is also provided for travel, meals, equipment, and related expenses.)

Item 427 #2s

Public Safety and Homeland Security

Department of State Police

Language

Language:

Page 512, after line 19 insert:

"D. Notwithstanding § 18.2-308.02, Code of Virginia, a person who has successfully completed online training for a Concealed Handgun Permit prior to January 1, 2021, is eligible to apply for such a permit if the person was not able to obtain an appointment with the county or city circuit court clerk due to COVID-19 restrictions. The online training course must have been successfully completed prior to January 1, 2021. The provisions of this paragraph shall expire on December 31, 2021."

Explanation:

(This language amendment authorizes a citizen to apply for a concealed handgun permit if they have demonstrated competence via online training, under certain circumstances, if their application has been impacted due to restrictions arising from the COVID-19 pandemic.)

Item 429 #1s

Public Safety and Homeland Security	FY20-21	FY21-22	
Virginia Parole Board	\$0	\$84,638	GF

Language:

Page 512, line 37, strike "\$2,648,168" and insert "\$2,732,806".

Explanation:

(This amendment provides \$84,638 the second year from the general fund for the costs associated with implementing Senate Bill 1103.)

Item 436 #1s

Transportation

Department of Motor Vehicles

Language

Language:

Page 523, following line 53, insert:

"U. Consistent with the provisions of § 4-13.00 of this Act, the definitions found in §46.2-1600, Code of Virginia, on June 30, 2021, shall remain in full force and effect until June 30, 2022."

Explanation:

(This amendment retains the current definitions found in the Code for "rebuilt vehicle" and "nonrepairable vehicle" and omits the definition of "cosmetic vehicle" allowing DMV customers to apply for salvage and nonrepairable certificates without submitting an estimated cost of repair.)

Item 442 #1s

Transportation

FY20-21

FY21-22

Department of Rail and Public
Transportation

\$22,397,000

\$0 NGF

Language:

Page 525, line 38, strike "\$699,845,958" and insert "\$722,242,958".

Page 527, following line 26, insert:

"J. Out of the amounts in this Item, and consistent with the provisions of § 4-13.00 of this Act, \$22,397,000 the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) shall be allocated by the Commonwealth Transportation Board to the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund established pursuant to § 33.2-3401, Code of Virginia to ensure Commonwealth meets its share of the dedicated regional funding for WMATA based on the 2018 needs assessment."

Explanation:

(This amendment allocates \$22.4 million NGF in the first year from public funds made

available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act to fulfill the Commonwealth's portion of the \$500 million annual commitment to the WMATA Capital program.)

Item 442 #2s

Transportation

Department of Rail and Public Transportation

Language

Language:

Page 527, following line 26, insert:

"J. Any entity established pursuant to Chapter 31 of Title 33.2, Code of Virginia, shall, as a condition of receipt of funding pursuant to § 33.2-1526.1(d)(3), Code of Virginia, and included in this Item, adopt the petition of the Fairfax County Board of Supervisors that was unanimously approved in Action Item 9 on September 15, 2020 and any private sector participating entity contributions described therein related to the naming of the "McLean - Capital One Hall" station."

Explanation:

(This amendment conditions the receipt of funding provided to the Northern Virginia Transportation Commission for distribution to the Washington Metropolitan Area Transit Authority for capital purposes and operating assistance, on adopting the petition of Fairfax County related to the naming of the McLean-Capital One Hall.)

Item 442 #3s

Transportation

FY20-21

FY21-22

Department of Rail and Public
Transportation

\$5,000,000

\$0 NGF

Language:

Page 525, line 38, strike "\$699,845,958" and insert "\$704,845,958".

Page 527, following line 26, insert:

"J. Out of the amounts in this Item, and consistent with the provisions of § 4-13.00 of this Act, \$5,000,000 the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) shall be allocated by the Commonwealth Transportation Board to the Transit Ridership Incentive Program established pursuant to § 33.2-1526.3, Code of Virginia. Of these amounts the Board shall allocate \$2,500,000 to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares and \$2,500,000 for regional connectivity programs focused on congestion reduction and mitigation

through the provision of long-distance commuter routes."

Explanation:

(This amendment provides \$5.0 million in federal funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act to support transit incentives focused on fare and congestion reduction programs.)

Item 443 #1s

Transportation	FY20-21	FY21-22	
Department of Rail and Public Transportation	\$0	(\$50,000,000)	GF
	\$137,603,000	\$0	NGF

Language:

Page 527, line 27, strike "\$137,107,434" and insert "\$274,710,434".

Page 527, line 28, strike "\$247,112,195" and insert "\$197,112,195".

Page 528, strike line 39 through line 43, and insert:

"H. Out of the amounts in this Item, and consistent with the provisions of § 4-13.00 of this Act, \$137,603,000 the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) shall be allocated by the Commonwealth Transportation Board for the purpose of extending intercity passenger rail service from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increasing the frequency of intercity passenger rail service along the I-81/Route 29 Corridor from Washington, DC. The Secretary shall provide an assessment of both total project costs and the incremental costs resulting from modelling conducted to assess any infrastructure or network costs needed to service a rail station in Bedford, Virginia to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than October 15, 2021."

Explanation:

(This amendment provides \$137.6 million from the Coronavirus Response and Relief Supplemental Appropriations Act to ensure long-term sustainable growth of intercity passenger and commuter rail services across the Commonwealth.)

Item 446 #1s

Transportation

Department of Transportation

Language

Language:

Page 529, line 46, strike "first year" and insert "second year".

Page 529, line 48, strike "fifth" and insert "eighth".

Page 529, line 49, strike "2021" and insert "2022".

Explanation:

(This amendment moves funding that was previously authorized to support the participation in the Mobility Talks International (MTI) conference in the first year to the second year of the biennium. The 2020 General Assembly approved \$50,000 in funds to support participation in the 2021 annual MTI conference, which was not required due to COVID. The next conference is scheduled to be held in Washington D.C. in January 2022.)

Item 447 #1s

Transportation

	FY20-21	FY21-22	
Department of Transportation	\$0	(\$5,000,000)	GF
	\$40,000,000	\$0	NGF

Language:

Page 530, line 29, strike "\$3,650,896,554" and insert "\$3,690,896,554".

Page 530, line 29, strike "\$3,783,863,742" and insert "\$3,778,863,742".

Page 532, strike line 5 through line 8 and insert:

"H. Out of the amounts in this Item, and consistent with the provisions of §4-13.00 of this Act, \$40,000,000 the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) shall be used by the Board to support the statewide planning, development and construction of multi-use trails. The Board shall give priority to ensuring the safety of existing trails and developing new trails with a total length in excess of 35 miles and shall seek to ensure geographic diversity and multimodal connectivity in the use of these funds. Of these amounts: (i) up to \$17,500,000 shall be allocated for the Eastern Shore-Bay Coast Railway Rails to Trails project; (ii) up to \$17,500,000 shall be allocated for safety enhancements to the Washington & Old Dominion Trail at Wiehle Avenue and improving the intermodal connectivity of the Cross County Trail at Difficult Run with Great Falls Park; (iii) up to \$2,500,000 for the Fall Line Trail; and (iv) up to \$2,500,000 for the Ivy Creek Trail and the completion of the Tobacco Heritage Trail from Skipwith Road to Rudds Creek. The Office of Intermodal Planning and Investment shall coordinate a policy working group comprised of representatives of the Departments of Transportation, Rail and Public Transportation, Conservation and Recreation, the Statewide Trails Advisory Committee and the staff of the House Appropriations and Senate Finance and Appropriations Committees to recommend a prioritization process for the identification of new multi-use trail opportunities, a master planning process, and funding needs assessment. A report of its recommendations shall be communicated to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2021."

Explanation:

(This amendment provides for a one-time capitalization of \$50,000,000 for a statewide multi-use trail initiative using federal funds available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act.)

	Item 447 #2s	
Transportation	FY20-21	FY21-22
Department of Transportation	\$10,000,000	\$0 NGF

Language:

Page 530, line 29, strike "\$3,650,896,554" and insert "\$3,660,896,554".

Page 531, line 23, following "Virginia." insert:

"In addition to these amounts, and consistent with the provisions of § 4-13.00 of this Act, \$10,000,000 the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) shall be allocated by the Commonwealth Transportation Board for a connected infrastructure urban redevelopment demonstration project within and adjacent to the Virginia Tech campus in the City of Falls Church, Virginia."

Explanation:

(This amendment provides \$10.0 million in federal funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act to the Transportation Partnership Opportunity Fund for an urban smart infrastructure test bed in partnership with the City of Falls Church and Virginia Tech.)

	Item 461 #1s	
Veterans and Defense Affairs	FY20-21	FY21-22
Secretary of Veterans and Defense Affairs		

Language:

Page 545, strike lines 8 through 10, and insert:

"Out of this appropriation, up to \$190,000 the second year from the general fund shall be used to support a Military Liaison position under the Secretariat."

Explanation:

(This amendment reallocates existing funding of \$190,000 the second year from the general fund that is currently provided for matching funds for the U.S. Department of Defense Office of

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Economic Adjustment grants, to support an ongoing Military Liaison position. The U.S. Department of Defense has reorganized the Office of Economic Adjustment and the grants are no longer expected. Therefore, the funding is not needed for the grant matching requirement.)

Item 464 #1s

Veterans and Defense Affairs	FY20-21	FY21-22	
Department of Veterans Services	\$0	\$147,500	GF
	0.00	1.00	FTE

Language:

Page 547, line 24, strike "\$22,451,304" and insert "\$22,598,804".

Explanation:

(This amendment provides \$147,500 in the second year from the general fund to support a liaison to military spouses position in the Department of Veterans Services, pursuant to Senate Bill 1150. This funding includes \$22,300 in one-time equipment funding. The ongoing cost for the position is \$125,200.)

Item 477 #2s

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$20,311,179	GF

Language:

Page 554, line 9, strike "\$138,332,991" and insert "\$158,644,170".

Page 561, strike lines 12 through 23.

Page 565, line 1, strike "1".

Page 565, strike lines 5 through 51.

Page 565, line 1, following II. insert:

"The Governor is hereby authorized to allocate a sum of up to \$118,067,180 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2021 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2021, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs JJ., KK., and LL. below.

2. Furthermore, \$139,781,368 provided in Item 145 of this act to support the state share of a three percent salary adjustment the second year for funded Standards of Quality instructional and support positions, Academic Year Governor's School Program instructional and support

positions, and Regional Alternative Education Program instructional and support positions shall be unallotted, if the Comptroller determines that general fund revenues did not meet or exceed the forecast for fiscal year 2021 and the actions authorized in paragraphs JJ., KK., and LL. are not effectuated.

JJ.1. Contingent on the provisions of paragraph II.1. above, \$91,069,662 from the general fund the second year is provided to increase the base salary of the following employees by three percent on August 10, 2021:

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

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

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

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

e. Heads of agencies in the Legislative Department;

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

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

h. Judges and Justices in the Judicial Department;

i. Heads of agencies in the Judicial Department;

j. Full-time employees in the Judicial Department;

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

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

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

b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this

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

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

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

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

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

6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase, on average. No higher education administrators, executive officers, presidents, or faculty employees earning \$150,000 or more shall receive a pay adjustment provided for in this paragraph or otherwise provided for in this act.

KK.1. Contingent on the provisions of paragraph II.1. above, the appropriations in this Item include funds to increase the base salary of the following employees by three percent on

September 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.

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

2. Out of the appropriation for Supplements to Employee Compensation is included \$24,125,830 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.

LL. Contingent on the provisions of paragraph II.1. above, included in the appropriation for this item is \$2,871,689 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective August 10, 2021.”

Explanation:

(This amendment provides \$20.3 million GF the second year, above the \$97.8 million included in the Introduced Budget, to provide a three percent salary adjustment for state employees, including adjunct faculty at higher education institutions, effective August 10, 2021, for the September 1, 2021 paycheck, and state-supported local employees, effective September 1, 2021.)

	Item 477 #3s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$52,000	\$72,000 GF

Language:

Page 554, line 9, strike "\$17,993,004" and insert "\$17,941,004".
 Page 554, line 9, strike "\$138,332,991" and insert "\$138,404,991".

Explanation:

(This amendment provides \$52,000 GF the first year and \$72,000 GF the second year to cover estimated costs associated with SB 1275 of the 2021 General Assembly Session, adding EMS workers to § 65.1 402, related to the presumption as to death or disability from respiratory

disease, hypertension, or heart disease, cancer, contingent upon its final passage.)

	Item 477 #4s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$172,900	\$185,100 GF

Language:

Page 554, line 9, strike "\$17,993,004" and insert "\$17,820,104".

Page 554, line 9, strike "\$138,332,991" and insert "\$138,518,091".

Explanation:

(This amendment provides \$172,900 GF the first year and \$185,100 GF the second year for the fiscal impact associated with SB 1375 of the 2021 General Assembly Session, which adds COVID-19 as a presumption under the Workers' Compensation Act for firefighters, emergency medical services personnel, law-enforcement, and correctional officers, contingent upon its final passage.)

	Item 479 #4s	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	(\$8,000,000)	\$7,000,000 GF

Language:

Page 567, line 23, strike "\$14,869,500" and insert "\$6,869,500".

Page 567, line 23, strike "\$44,188,052" and insert "\$51,188,052".

Page 571, strike line 41 through line 44 and renumber remaining paragraphs.

Page 572, strike line 16 through line 18 and insert:

"U. Out of this appropriation is included up to \$35,000,000 the second year from the general fund for the purpose of funding marijuana legalization and criminal record expungement legislation adopted during the 2020 Special Session I and the 2021 Regular Session and not otherwise explicitly funded in this act. Of these amounts, up to \$3,500,000 in the second year is provided for the initial operating costs of the Virginia Cannabis Control Authority, upon the determination of the Secretary of Finance with the advice and consent of the Director of the Office of Diversity, Equity and Inclusion."

Explanation:

(This amendment consolidates and accounts for marijuana legalization and criminal records expungement legislation adopted during the 2020 Special Session I and the 2021 Regular Session of the General Assembly. SB 1100, as introduced, provided \$36.0 million for these initiatives.)

Item 479 #5s

Central Appropriations

Central Appropriations

Language

Language:

Page 569, after line 25, insert:

"5. The funding contained in paragraph H.1. above shall remain unallotted until such time as the City of Richmond provides to the Department of General Services detailed planning information related to the planning and development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Upon the receipt of such planning information by the Department of General Services and subsequent approval by the Secretaries of Finance and Administration, the Department of Planning and Budget shall reallocate the funds to be made available to the City of Richmond for expenses incurred in such planning and development."

Explanation:

(This amendment unallots \$10 million GF over the biennium until the City of Richmond provides approved plans regarding the planning and development of the Slavery and Freedom Heritage Site, including Lumpkin's Pavilion and Slave Trail improvements.)

Item 479.10 #1s

Central Appropriations

Central Appropriations

Language

Language:

Page 576, line 2, after "account.", strike "Utility customers may only receive a direct payment"
Page 576, strike line 3.

Explanation:

(This amendment removes the restriction that utility customers may only receive assistance from the COVID-19 Utility Assistance Fund once.)

Item 479.10 #2s

Central Appropriations

Central Appropriations

FY20-21

\$25,000,000

FY21-22

\$0 NGF

Language:

Page 572, line 19, strike "\$0" and insert "\$25,000,000".

Page 578, line 11, after "C.", insert "1."

Page 578, after line 26, insert:

"2. Out of the revenues deposited to the COVID-19 Relief Fund created pursuant to § 2.2-115.1 of the Code of Virginia, \$25,000,000 the first year is hereby appropriated for the Department of Small Business and Supplier Diversity for the purpose of awarding grants to small businesses through the Rebuild Virginia program. Eligible grant recipients shall meet the small business definition of § 2.2-1604 of the Code of Virginia.

Explanation:

(This amendment appropriates \$25.0 million NGF from the COVID-19 Relief Fund for the purpose of awarding grants to small businesses through the Rebuild Virginia program.)

Item 479.10 #3s

Central Appropriations

Central Appropriations

Language

Language:

Page 579, after line 7, insert:

"I.1. There is hereby created a Joint Subcommittee for Federal Relief Funds Oversight of the House Appropriations and Senate Finance and Appropriations Committees to review, provide advice to the Governor and provide oversight of federal funds provided to the Commonwealth in response to the Coronavirus Pandemic whereby discretion is provided to the state on how such funds shall be allocated, hereby known as "federal relief funds". The joint subcommittee shall consist of eight members, including the Chair of the House Appropriations Committee and three members of the House Appropriations Committee selected by the Chair, the Chair of the Senate Finance and Appropriations Committee and three members of the Senate Finance and Appropriations Committee selected by the Chair. The Secretaries of Finance, Commerce and Trade, Health and Human Resources, and Public Safety and Homeland Security shall also be available to provide technical assistance to the joint subcommittee. The joint subcommittee shall be staffed by staff from the House Appropriations and Senate Finance and Appropriations Committees.

2. The joint subcommittee shall work with the Governor to consider and examine all currently allocated and potential uses of federal relief funds in providing assistance to state agencies, institutions of higher education, local governments, private non-profit or for-profit businesses, and citizens of the Commonwealth that have been negatively impacted economically due to the effects of the Coronavirus Pandemic. The joint subcommittee shall make recommendations, consistent with the requirements of federal law and any federal regulations or guidance, to the Governor for his consideration. The Governor shall, within 10 days of the enactment of this Act, provide information to the joint subcommittee on previous allocations of federal relief funds,

expenditures to date, current unexpended allocations, and requests under consideration.

3. Prior to the allocation or appropriation of federal relief funds, the Governor shall submit his proposal or proposed allocation to the joint subcommittee, which shall review and make recommendations on such proposals to the Governor within 15 days. The Governor shall notify the Chairs of the Senate Finance and Appropriations Committee and the House Appropriations Committee in writing within five days concerning his final decision to appropriate and allocate federal relief funds having previously been considered by the joint subcommittee."

Explanation:

(This amendment establishes a Joint Subcommittee for Federal Relief Funds Oversight to allow the General Assembly to provide oversight of the substantial federal relief funds the federal government has been providing to the state in response to the Coronavirus Pandemic. The Joint Subcommittee would review proposed allocations of funding and make appropriate recommendations to the Governor, however the Governor would make the final decision on how the funds should be allocated. The Joint Subcommittee provides an opportunity for the General Assembly to provide input into the process for allocating federal relief funds and to provide oversight of how such funding is expended.)

Item 479.10 #4s

Central Appropriations

Central Appropriations

Language

Language:

- Page 573, line 49, strike "\$55,640,872", insert "\$17,036,718".
- Page 573, line 50, strike "\$9,256,178", insert "\$2,470,552".
- Page 573, line 52, strike "\$73,056,734", insert "\$103,500,000".
- Page 574, line 1, strike "\$25,000,000", insert "\$17,467,766".
- Page 574, line 40, strike "\$22,052,445", insert "\$34,234,679".
- Page 574, line 45, strike "\$3,450,000", insert "\$10,550,000".
- Page 574, line 3, strike "\$116,261,410" and insert "\$133,511,410".
- Page 574, line 50, strike "\$30,000,000" and insert "\$12,750,000".
- Page 575, line 10, strike "\$2,127,357,769", insert "\$2,121,161,255".
- Page 575, line 5, strike "\$15,000,000", insert "\$12,000,000".
- Page 577, line 15, strike "\$73,056,734", insert "\$103,500,000".
- Page 577, line 22, strike "\$25,000,000", insert "\$17,467,766".

Explanation:

(This amendment modifies Coronavirus Relief Fund allocations.)

Item 479.20 #1s

Central Appropriations

Central Appropriations

Language

Language:

Page 579, after line 7, insert:

"1. If within five days of preliminary close of the fiscal year ending June 30, 2021, the Comptroller determines that general fund revenues for fiscal year 2021 exceeded the official forecast, then it is the intent of the General Assembly that the Governor shall allocate such additional revenue to fund the following items in priority order in fiscal year 2022:

Agency - Title	FY 2022
Direct Aid - Fund One Additional SOQ Support Position	\$47,236,642
Department of Medical Assistance Services - Increase DD Waiver Provider Rates to Reflect Minimum Wage Impact	\$20,000,000
Department of Accounts Transfer Payments - Virginia Retirement System Payment to Increase Actuarial Funding Status	\$200,000,000
Total	\$267,236,642

2. The Director, Department of Planning and Budget, shall have authority to adjust the general fund appropriations in the second year in the appropriate agencies to reflect items funded as a result of paragraph 1.

3. Should the additional revenue pursuant to paragraph 1 be insufficient to fund all the items listed, then the Governor shall fund those items listed in priority order for which the additional revenue is sufficient to fully fund."

Explanation:

(This amendment provides that any additional revenue for fiscal year 2021 as a result of the higher than forecast general fund revenues in the fiscal year will be used for the listed high priority funding items in fiscal year 2022.)

Item 481 #1s

Central Appropriations

Central Appropriations

Language

Language:

Page 580, line 1, after "Code of Virginia," insert "for the 2020-22 biennium".

Page 580, line 2, after "MOU." insert "The designated reviewers shall propose any needed

technical adjustments for consideration during the 2022 Session."

Explanation:

(This amendment clarifies proposed technical language regarding eligibility for "Tech Talent" grants pursuant to the approved Memorandums of Understanding.)

Item C-0 #1s

General Conditions

General Conditions

Language

Language:

Page 609, after line 15, insert:

"9. Notwithstanding any other provision of law, a public institution of higher education may participate in the United States Department of Education Historically Black College and University Capital Financing Program (HBCU Program), and use federal grant and contract funds as permitted by the Program."

Explanation:

(This amendment is intended to ensure that Virginia's public historically black colleges and universities (HBCU) may access the United States Department of Education Historically Black College and University Capital Financing Program (HBCU Program). The HBCU Program requires that institutions be able to use revenue from federal grants and contracts via administrative offset if the pledged revenues are insufficient to pay debt service. The HBCU Program provides HBCUs with low-cost capital to finance infrastructure improvements, facilitating the repair, renovation, and construction of classrooms, libraries, laboratories, dormitories, instructional equipment, and research instrumentation.)

Item C-17.10 #1s

Capital Projects

FY20-21

FY21-22

James Madison University

\$0

\$6,579,237 NGF

Language:

Page 618, after line 22, insert:

"C-17.10 Improvements: East Campus Steam Plant, Phase I

\$0

\$6,579,237

Fund Sources:

Higher Education
Operating

\$0

\$1,973,771

Bond Proceeds

\$0

\$4,605,466 "

Explanation:

(This amendment provides \$4.6 million in bond proceeds for Phase 1 of improvements and upgrades to the East Campus Steam Plant project at James Madison University. Total project cost for this phase of work is \$6.6 million and includes almost \$2.0 million supported with auxiliary nongeneral funds.)

Item C-22.10 #1s

Education

Virginia Commonwealth University

Language

Language:

Page 619, strike lines 37 through 39 and insert:

"The provisions of Item C-13.10 A., B., C.2., C.3., and D., Chapter 854, 2019 Acts of Assembly, as it relates to the Virginia Commonwealth University acquisition of the Virginia Alcoholic Beverage Control Authority property are hereby extended for the 2020-22 Biennium. The provisions of Item C-13.10 C.1. shall be replaced as follows:

C. 1. The Authority shall offer for sale the Property to VCU at the fair market value determined by the lower of the two appraisals received pursuant to paragraph B. Any other conditions of the transfer, as negotiated between the Authority and VCU, shall be based on usual and customary terms for such intergovernmental transfers. If the Authority and VCU cannot agree on the terms, other than price as price shall be the fair market value described herein, of the sale of the Property, the Authority may sell the property pursuant to § 2.2-1156 and on such terms as it determines are in the best interest of the Authority, however any sale terms negotiated shall be presented to VCU, prior to any sale, to enable VCU to make a counter offer to the Authority. Should such counter offer be received by the Authority, the Authority shall consider the VCU counter offer and if determined favorable by the Authority, may sell the property to VCU."

Explanation:

(This amendment specifies additional fair market value parameters regarding Virginia Commonwealth University acquisition of the Virginia Alcoholic Beverage Control Authority property on Hermitage Road in Richmond.)

Item C-23.5 #1s

Education

FY20-21

FY21-22

Virginia Community College System

\$500,000

\$0 GF

Language:

Page 620, after line 14, insert:

"C-23.5 Planning: Amherst and Campbell Halls, Central Virginia Community College	\$500,000	\$0
Fund Sources: General	\$500,000	\$0 "

Explanation:

(This amendment provides \$500,000 GF for planning for renovations of Amherst and Campbell Halls on Central Virginia Community College's campus. Amherst (54,042 Square Feet) and Campbell (19,550 square feet) Halls comprise the core classroom space for Central Virginia Community College. Amherst Hall was built in 1968 and Campbell Hall was completed in 1974 and neither have had a major renovation.)

Item C-36.30 #1s

Education	FY20-21	FY21-22
Frontier Culture Museum of Virginia	\$1,300,000	\$0 GF

Language:

Page 622, line 7, strike "\$0" and insert "\$1,300,000".
 Page 622, line 12, strike the first instance of "\$0" and insert "\$1,300,000".

Explanation:

(This amendment provides an additional \$1.3 million GF the first year for the project named "Improvements: Construct Crossing Gallery (18316)". Detailed planning for the project was initially funded in the 2019 Session by Chapter 854, Item C-21-10. The additional funding is requested to support the additional services required of the project architect/engineer to complete the required revisions and complete the project planning through the preliminary design and cost estimate phase.)

Item C-36.45 #1s

Education	FY20-21	FY21-22
The Science Museum of Virginia	\$0	\$7,506,000 NGF

Language:

Page 622, after line 16, insert:

"C-36.45 Improvements: Community Green Space	\$0	\$7,506,000
Fund Sources: Special	\$0	\$7,506,000 "

Explanation:

(This amendment authorizes the Science Museum of Virginia to seek private funding of up to \$7.5 million for a community green space project. Situated on the Pulse corridor and a key element of the Richmond 300 Plan, this project will transform the area in front of the Museum into a vibrant and active community resource to serve the needs of a diverse, growing citizenry.)

Item C-40 #1s

Natural Resources

Department of Conservation and Recreation

Language

Language:

Page 623, line 23, after "Staunton River," insert "Kiptopeke,"

Explanation:

(This amendment updates the list for acquisitions of land for state parks for in-holdings and contiguous properties, consistent with funding included in the budget as introduced, to include Kiptopeke.)

Item C-64 #1s

Central Appropriations

FY20-21

FY21-22

Central Capital Outlay

\$0

\$37,000,000

GF

\$0

(\$37,000,000)

NGF

Language:

Page 628, line 26, strike "\$137,000,000" and insert "\$100,000,000".

Page 628, line 27, after "A." insert "1."

Page 628, line 27, strike the second instance of "\$137,000,000" and insert "\$100,000,000".

Page 628. after line 26, insert "Fund Sources: General \$0 \$37,000,000".

Page 628, after line 30, insert:

"2. Out of this appropriation, \$37,000,000 the second year from the general fund is designated for capital costs of maintenance reserve projects."

Explanation:

(This amendment changes the source of funding of a portion of the \$137.0 million provided in the second year of the biennium for maintenance reserve from tax-supported debt to general fund cash.)

Item C-66 #1s

Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$8,450,000	\$0 GF

Language:

Page 632, line 48, strike "\$1,517,750" and insert "\$9,967,750".

Page 633, line 4, after "B." insert "1".

Page 633, after line 9, insert "Replace Division 6 Headquarters".

Page 633, after line 36, insert:

"2. Out of this appropriation, \$4,500,000 the first year from the general fund is designated for planning the Fine and Performing Arts Center project at the University of Mary Washington, \$2,100,000 the first year from the general fund is designated for planning the Center for Leadership & Ethics Facility, Phase 2 project at Virginia Military Institute, and \$1,850,000 the first year from the general fund is designated for planning the Division 6 Headquarters project for the State Police."

Explanation:

(This amendment provides general funds for the planning the following projects that were included in the planning pool in the 2020 regular session: \$4.5 million for the University of Mary Washington for detailed planning for the construction of a Fine and Performing Arts Center; and \$2.1 million for Virginia Military Institute for planning for the Center for Leadership & Ethics Facility, Phase 2 project; and also \$1.85 million for planning the State Police Division 6 Headquarters replacement project.)

Item C-66.10 #1s

Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$0	(\$58,500,000) NGF

Language:

Page 634, line 6, strike "\$58,500,000" and insert "\$0".

Page 634, strike lines 5 through 21.

Explanation:

(This amendment maintains the scope for the replacement of Central State Hospital at 252 beds, reversing the proposed \$58.5 million increase in debt authorization for the expansion of an additional 48 beds.)

Item C-72 #1s

Central Appropriations

Central Capital Outlay

Language

Language:

Page 640, line 46, after "a capital project" insert "or projects".

Page 640, line 48, strike "and buildings".

Page 640, strike line 51 and insert "Authority each approve a public private partnership or other contractual agreement with respect to such a capital project or projects. The"

Explanation:

(This amendment would allow the bond proceeds authorized by this Item to be used for improvements that support multiple projects and projects performed as a P3 or a direct lease agreement with the Virginia Port Authority. Use of the funds will still require approval of both the Virginia Port Authority Board of Commissioners and the Major Employment & Investment Project Approval Commission, while providing the flexibility needed by the Virginia Port Authority and the Virginia Economic Development Partnership to attract multiple users and make the Portsmouth Marine Terminal an offshore wind industry hub.)

Item C-72.70 #1s

Capital Projects

Department of State Police

Language

Language:

Page 641, after line 14, insert:

"The title of the project for the Department of the State Police previously authorized in Item C-45, Chapter 2, 2018 Acts of Assembly, Special Session I, as "Construct Area 13 Barracks" is hereby changed to "Acquire, Renovate or Construct Area 13 Barracks".

Explanation:

(This amendment makes a title change to an existing project.)

Item C-76 #1s

Central Appropriations

Central Capital Outlay

Language

Language:

Page 644, after line 33, insert:

"James Madison University (216)

East Campus Steam Plant, Phase 1 XXXXX C-17.10 \$4,605,466".

Page 645, line 18, strike "\$100,007,208" and insert "\$104,612,674".

Explanation:

(This amendment updates the Virginia College Building Authority bond table for the Committee's amendments.)

Item 3-1.01 #1s

Transfers

Interfund Transfers

Language

Language:

Page 650, line 6, strike "\$139,500,745" and insert "\$159,500,745".

Page 650, line 7, strike "\$132,700,000" and insert "\$134,400,000".

Explanation:

(This amendment increases the estimated transfer to the general fund of net profits from ABC gross store sales by \$20.0 million the first year and \$1.7 million the second year, based upon higher assumed sales and profits in the current fiscal year.)

Item 3-2.03 #1s

Working Capital Funds and Lines of Credit

Lines of Credit

Language

Language:

Page 657, strike lines 6 through 7.

Explanation:

(This amendment eliminates a \$1.0 million line of credit proposed in the introduced budget for Virginia Industries for the Blind.)

Item 3-5.15 #1s

Adjustments and Modifications to Tax Collections

Provider Coverage Assessment

Language

Language:

Page 661, line 29, strike "1.08" and insert "1.02".

Explanation:

(This amendment modifies the coverage assessment amount collected from hospitals to cover the state share of Medicaid expansion costs. Current law requires the collection of 108 percent of the state share of the full costs of expanded Medicaid coverage. The original intent was to ensure that collections were sufficient to cover the full cost of expansion and not rely on any general fund dollars to expand Medicaid. Rate assessment language has since been amended to allow the Department of Medical Assistance Services (DMAS) to adjust assessments with each quarter to account for differences between estimates and actual spending, however, the 108 percent collection requirement is applied to the estimate for the entire year and not just the remaining quarters. In addition, DMAS now has more experience with expansion and hospital overpayments in the first two years of the program have far exceeded the additional eight percent add-on. Reducing the add-on from eight to two percent would reduce the amount of overpayment made each year by the hospitals into the Health Care Coverage Assessment Fund.)

Item 3-5.16 #1s

Adjustments and Modifications to Tax Collections

Provider Payment Rate Assessment

Language

Language:

Page 662, line 51, after "equivalent to", strike the remainder of the line.

Page 662, line 52, before "subject to CMS", insert:

"the maximum managed care directed payment amount as allowed by CMS,".

Explanation:

(This amendment modifies language related to the hospital provider payment rate assessment to change the methodology to enable the hospitals to obtain additional federal dollars with no additional cost to the Commonwealth. Current budget language limits supplemental payments by the upper payment limit gap for fee-for-service claims and extrapolates that gap to managed care claims. Because over 90 percent of Medicaid enrollees are in managed care, this gap can be highly variable on an annual basis and can limit total rate enhancement. The federal Centers for Medicare and Medicaid Services (CMS) has provided other states the flexibility to structure managed care directed payments as a percentage of Medicare. However, the introduced budget language is highly prescriptive and limits the department's ability to explore and apply an alternate methodology which could potentially stabilize or increase total supplemental payments.)

Finance

Language

Language:

Page 664, after line 37, insert:

"§ 3-5.23 CORPORATE INCOME TAX INFORMATIONAL REPORTING

A.1. Corporations that are members of a unitary business must file a report, in a manner prescribed by the Tax Commissioner, for the unitary combined group containing the unitary combined net income of such group. The report shall be based on taxable year 2019 computations and include, at a minimum the difference in tax owed as a result of filing a unitary combined report, computed according to the method or methods specified by the Tax Commissioner, compared to the tax owed under the current filing requirements.

2. "Unitary business" means a single economic enterprise made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. A "unitary business" includes that part of the business that meets the definition in this section and is conducted by a taxpayer through the taxpayer's interest in a partnership, whether the interest in that partnership is held directly or indirectly through a series of partnerships or other pass-through entities. A "unitary business" shall not include persons subject to, or that would be subject to if doing business in the Commonwealth, the insurance premiums license tax under Chapter 25 (§ 58.1-2500 et seq.), Code of Virginia, or the bank franchise tax under Chapter 12 (§ 58.1-1200 et seq.).

3. The report must be submitted to the Department of Taxation on or before June 1, 2021, which date shall not be extended.

4. Members of a unitary combined group shall exclude as a member and disregard the income and apportionment factors of any corporation incorporated in a foreign jurisdiction (a "foreign corporation") if the average of its property, payroll and sales factors outside the United States is eighty percent (80%) or more. If a foreign corporation is includible as a member in the unitary combined group, to the extent that such foreign corporation's income is subject to the provisions of a federal income tax treaty, such income is not includible in the unitary combined group net income. Such member shall also not include in the unitary combined report any expenses or apportionment factors attributable to income that is subject to the provisions of a federal income tax treaty. For purposes of this paragraph, "federal income tax treaty" means a comprehensive income tax treaty between the United States and a foreign jurisdiction, other than a foreign

jurisdiction which the organization for economic co-operation and development has determined has not committed to the internationally agreed tax standard, or has committed to the international agreed tax standard but has not yet substantially implemented that standard, as identified in the then-current organization for economic co-operation and development progress report.

B. Any corporation required to submit such report to the Department of Taxation that fails to do so on or before June 1, 2021, or that makes a material omission or misstatement in connection with such report shall be subject to a penalty of \$10,000. The Tax Commissioner shall have the authority to waive such penalty upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.

C. The Tax Commissioner shall on or before December 1, 2021, based on the information provided in income tax returns and the data submitted under this section, submit a report to the Chair of the Senate Finance and Appropriations Committee, the Chair of the House Appropriations Committee, and the Chair of the House Finance Committee."

Explanation:

(This amendment requires corporations that are members of a unitary business to file an informational report with the Department of Taxation for the unitary combined group containing the unitary combined net income of the group. The report must be based on taxable year 2019 computations and include, at a minimum the difference in tax owed as a result of filing a unitary combined report compared to the tax owed under the current filing requirements. Any corporation required to submit such report that fails to do so on or before June 1, 2021, or that makes a material omission or misstatement in connection with such report is subject to a penalty of \$10,000, unless waived by the Tax Commissioner upon a determination that the requirement would cause an undue hardship.)

Item 4-5.10 #1s

Special Conditions and Restrictions on Expenditures

Surplus Property Transfers for Economic Development

Language

Language:

Page 698, line 1, strike "2020" and insert "2021".

Explanation:

(This amendment extends by one year the deadline for a property sale between the Commonwealth of Virginia and the Eastern Virginia Regional Industrial Facility Authority.)

Effective Date

Effective Date

Language

Language:

Page 728, strike lines 56 through 60 and insert:

“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, pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent and Mortgage Relief Program and provides the website address and statewide telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and local rent relief programs. The written notice shall also inform the tenant that the landlord shall apply for rental assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the landlord that they have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th day, or they have entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall cooperate with the tenant's application, by providing all information and documentation required to complete the application, including but not limited to the W-9 IRS form and any supporting affidavits. If a tenant who has not paid in full or entered into a payment plan with the landlord within 14 days after the written notice is served refuses to apply for rental assistance and also refuses to cooperate with the landlord in providing information and documentation required to complete the application made by the landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer funds available through any federal, state or local rental assistance program, the landlord may take action to obtain possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.”

Page 729, strike lines 1 through 20.

Page 729, strike lines 28 through 30 and insert:

“f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to November 18, 2020; however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for non-payment of the rent unless the landlord complies with the provisions of this Section 8.”

Explanation:

(This amendment updates the language included in Chapter 56, 2020 Special Session I, Acts of Assembly to clarify the requirements for landlords and tenants to apply for rental assistance

prior to any evictions-related action occurring. It also removes the 45-day deadline for approval of a pending application for rental assistance.)

Item 4-14 #2s

Effective Date

Effective Date

Language

Language:

Page 727, after line 34, insert:

"k. In addition to the relief provided pursuant to clause 7.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 December 31, 2020.

1. In the utility's 2021 triennial review, the provisions of clause 7.k. 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 amounts pursuant to clause 7.k. 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 November 1, 2021, submit a report to the Governor, 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 requires that Dominion Energy write off debt owed as of December 31, 2020.)

Item 4-14 #3s

Effective Date

Language

Language:

Page 735, strike lines 50 through 51 and insert:

11. That §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2019~~ 2020, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, ~~the provisions of § 11046 of the federal Tax Cuts and Jobs Act, P.L. 115-97 (2017), related to the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code; and~~

6. ~~The provisions of § 103 of Division Q of the federal Further Consolidated Appropriations Act, 2020, P.L. 116-94 (2019), related to the reduction in the medical expense deduction floor~~ For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;

7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and

Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and

10. The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or

before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim. As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a

family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate

investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. *For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.*

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his

federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose

within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, ~~and~~ G, *and* H.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, ~~and~~ G, *and* H.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;
2. Interest or dividends, less related expenses to the extent not deducted in determining federal

taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had

a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign

government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses

and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

- (1) It is not regularly traded on an established securities market;
- (2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and
- (3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

- (1) Any REIT that is not treated as a Captive REIT;
- (2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;
- (3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and
- (4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall

apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the

preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable

income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing

documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. *For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.*

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

H. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, there shall be deducted to the extent not otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal taxable income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans."

Page 736, strike lines 1 through 32.

Explanation:

(This amendment advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The amendment generally conforms Virginia's tax code to both the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated Appropriations Act (CAA), 2021, with certain exceptions consistent with SB 1146. The amendment provides a deduction of up to \$100,000 for business expenses funded by forgiven loans under the Paycheck Protection Program (PPP) and provides an income tax subtraction of up to \$100,000 for grant funds received under the Rebuild Virginia program.)

Effective Date

Language

Language:

Page 732, after line 11, insert:

“I. Notwithstanding paragraph G. above or any other provision of law, the Chairs of the Virginia Redistricting Commission shall keep the Senate President Pro Tempore, the Senate Minority Leader, the Speaker of the House of Delegates, the House Minority Leader, and the Governor informed about the timing of availability of United States Bureau of the Census data as it relates to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171, and options for redistricting and its impact on elections for the House of Delegates.”

Page 732, after line 38, insert:

"F. Notwithstanding paragraph C. above, or any other provision of law, the daily compensation and reimbursement for reasonable and necessary expenses for legislative and non-legislative members of the Virginia Redistricting Commission for attendance at an official meeting shall be set at the same amounts provided for legislative members in paragraphs B.4.d. and B.5. of Item 1 of the this act."

Explanation:

(This amendment provides for and directs the Chairs of the Virginia Redistricting Commission to communicate information related to the availability of U.S. Census data and its impact on elections for the House of Delegates, and includes language clarifying that members of the Virginia Redistricting Commission shall receive daily compensation and reimbursement for reasonable and necessary expenses for attendance at an official meeting equal to that which is generally provided to members for attendance at any official meeting.)
