

*Joint  
Conference Committee  
Report on*

*House Bill 1800*

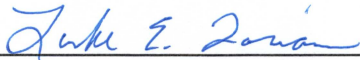
*2021 Special Session I*

February 25, 2021

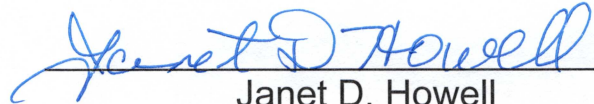
**We, the conferees, appointed by the respective bodies to consider and report the disagreeing vote on House Bill 1800 report as follows:**

- A. We recommend that the House and Senate amendments be rejected.**
- B. We recommend that House Bill 1800, as introduced, be amended as follows to resolve the matters under disagreement.**

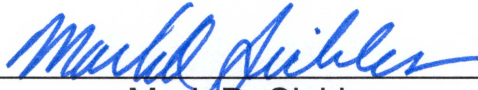
Respectfully submitted,



Luke E. Torian



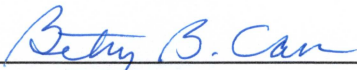
Janet D. Howell



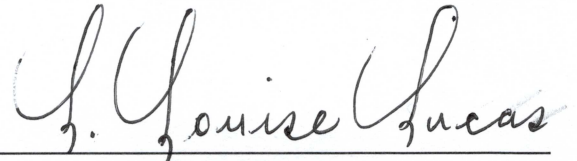
Mark D. Sickles



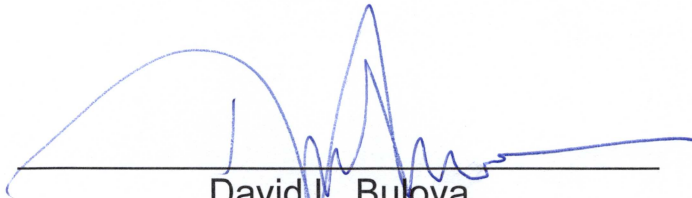
George L. Barker



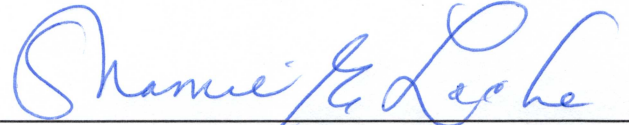
Betsy B. Carr



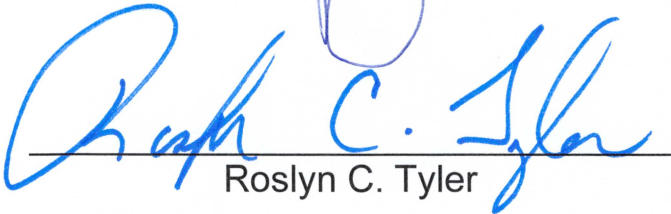
L. Louise Lucas



David L. Bulova



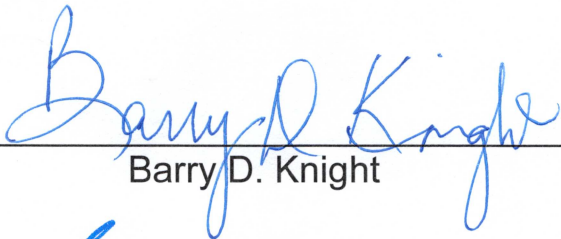
Mamie E. Locke



Roslyn C. Tyler



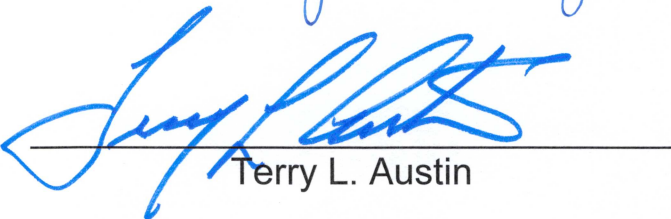
R. Creigh Deeds



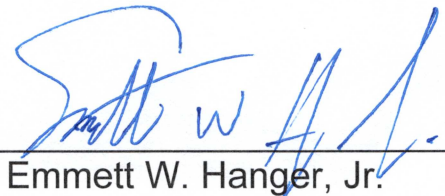
Barry D. Knight



Thomas K. Norment, Jr.



Terry L. Austin



Emmett W. Hanger, Jr.

**House Conferees**

**Senate Conferees**

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Item 0 #1c

**Revenues**

Revenues

Language

**Language:**

Page 1, strike lines 36 through 46, and insert:

	<b>"First Year</b>	<b>Second Year</b>	<b>Total</b>
Unreserved Balance, June 30, 2020	\$2,874,058,799	\$0	\$2,874,058,799
Additions to Balance	(\$1,278,580,333)	\$29,850,000	(\$1,248,730,333)
Official Revenue Estimates	\$22,320,832,509	\$22,899,142,814	\$45,219,975,323
Transfers	\$692,219,999	\$682,417,349	\$1,374,637,348
Total General Fund Resources Available for Appropriation	\$24,608,530,974	\$23,611,410,163	\$48,219,941,137".

Page 1, strike lines 48 through 49.

Page 2, strike lines 1 through 16 and insert:

	<b>"First Year</b>	<b>Second Year</b>	<b>Total</b>
Balance, June 30, 2020	\$6,915,611,972	\$0	\$6,915,611,972
Official Revenue Estimates	\$39,150,326,914	\$40,085,094,957	\$79,235,421,871
Lottery Proceeds Fund	\$708,231,117	\$690,903,334	\$1,399,134,451
Internal Service Fund	\$2,127,455,883	\$2,293,917,698	\$4,421,373,581
Bond Proceeds	\$2,729,883,162	\$244,775,137	\$2,974,658,299
Total Nongeneral Fund Revenues Available for Appropriation	\$51,631,509,048	\$43,314,691,126	\$94,946,200,174
<b>TOTAL PROJECTED REVENUES</b>	<b>\$76,240,040,022</b>	<b>\$66,926,101,289</b>	<b>\$143,166,141,311".</b>

**Explanation:**

(This amendment updates the revenues assumed on the front page to reflect the cumulative impact of the adopted amendments.)

Item 1 #1c

**Legislative Department**

General Assembly of Virginia

Language

**Language:**

Page 10, strike lines 11 through 57.

Page 11, strike lines 1 through 15.

**Explanation:**

(This amendment removes authorizing language for the WWI and WWII Commemoration Commission. The Commission completed its work in the summer of 2020.)

Item 1 #2c

**Legislative Department**

General Assembly of Virginia

Language

**Language:**

Page 14, after line 14, insert:

"Z. Included within this appropriation is \$22,400 in the second year from the general fund for a joint subcommittee on campaign finance reform pursuant to the passage of House Joint Resolution 526 in the 2021 General Assembly."

**Explanation:**

(This amendment covers any costs of a joint subcommittee to study comprehensive campaign finance reform pursuant to the passage of House Joint Resolution 526 during the 2021 General Assembly.)

Item 1 #3c

**Legislative Department**

General Assembly of Virginia

**FY20-21**

(\$19,840)

**FY21-22**

\$14,200 GF

**Language:**

Page 4, line 5, strike "\$54,927,913" and insert "\$54,908,073".

Page 4, line 5, strike "\$54,908,073" and insert "\$54,922,273".

Page 14, line 11, strike "\$19,840 the first year" and insert:

"\$14,200 the second year".

**Explanation:**

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(This amendment transfers and adjusts funding to support the work of a joint committee to study staffing, employment conditions, and compensation at the Department of Corrections pursuant to the passage of House Joint Resolution 522 in the 2021 General Assembly.)

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Item 1 #4c

**Legislative Department**

General Assembly of Virginia

Language

**Language:**

Page 14, after line 14, insert:

"Z. The Chair of the Senate Committee on the Judiciary shall convene a workgroup to review the process by which non-elected judges, including retired judges, are utilized by the Circuit Courts to make legally binding decisions. The workgroup shall include in its review the frequency of such use of non-elected judges, any issues that arise from the use of non-elected judges, and the process by which non-elected judges are evaluated. The workgroup shall prepare and deliver a report for review by the Senate Committee on the Judiciary by the first day of the 2022 Regular General Assembly Session."

**Explanation:**

(This amendment directs the Chair of the Senate Judiciary Committee to convene a workgroup to review the process by which non-elected judges, including retired judges, are utilized by Circuit Courts to make legally binding decisions, how frequently non-elected judges are utilized, and how they are evaluated. The work group shall prepare a report for review by the Senate Judiciary Committee during the 2022 session.)

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Item 1 #5c

**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 Chair 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

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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.)

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Item 4 #1c

<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund 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.)

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Item 4 #2c

<b>Legislative Department</b>		
Division of Capitol Police		Language

**Language:**

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Page 16, line 2, after "July 1, 2020" strike:  
"to June 30, 2021 and \$163,800 from July 1, 2021" and insert:  
"to December 24, 2020 and \$200,000 from December 25, 2020".

**Explanation:**

(This amendment updates language in the budget that specifies the salary for the Chief of the Capitol Police.)

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	Item 7 #1c	
<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>
Capitol Square Preservation Council	(\$50,000)	\$0 GF

**Language:**

Page 17, line 37, strike "\$217,162" and insert "\$167,162".  
Page 18, strike lines 2 through 4.  
Page 18, line 5, strike "C" and insert "B".

**Explanation:**

(This amendment reduces funding provided in Chapter 1289, Acts of Assembly, 2020 General Assembly for the development of interpretive signs regarding the history of Massive Resistance beside the statue of Harry F. Byrd on Capitol Square. The removal of this funding is pursuant to the passage of House Bill 2208 in the 2021 General Assembly, which removes the statute from Capitol grounds.)

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	Item 9 #1c	
<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>
Dr. Martin Luther King, Jr. Memorial Commission	\$100,000	\$0 GF

**Language:**

Page 18, line 20, strike "\$50,643" and insert "\$150,643".  
Page 18, after line 23, insert:  
"A. Out of the amounts included in this appropriation, \$100,000 in the first year from the general fund is provided for the construction of the Emancipation and Freedom Monument."

**Explanation:**

(This amendment transfers \$100,000 from the general fund in fiscal year 2021 from central appropriations to the Dr. Martin Luther King, Jr. Memorial Commission to support the



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construction of the Emancipation and Freedom Monument.)

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Item 9 #2c

<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 23, insert:

"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 from the general fund 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.)

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Item 29.1 #1c

<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Behavioral Health Commission	\$0	\$348,774	GF
	0.00	4.00	FTE

**Language:**

Page 26, after line 31, insert:

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

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

**Explanation:**

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

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Item 32 #1c

**Legislative Department**

Joint Legislative Audit and Review Commission

Language

**Language:**

Page 31, after line 6, insert:

"K. The clerk of each circuit court shall provide the Joint Legislative Audit and Review Commission with all case data in an electronic format from its own case management system or the statewide Circuit Case Management System upon request of the Commission. If the statewide Circuit Case Management System is used by the clerk, when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use the data for research, evaluation, or statistical purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish analyses based on this data as needed for its reports, fiscal impact reviews, or racial and ethnic impact statements as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers and dates of birth, which may be included in the data from a case management system. Upon transfer to the Joint Legislative Audit and Review Commission, such data shall not be subject to the Virginia Freedom of Information Act. Except for the publishing of personal or case identifying information, including names, social security numbers and dates of birth, the restrictions in this section shall not prohibit the Commission from sharing aggregate data in reports, fiscal impact reviews, or racial and ethnic impact statements."

**Explanation:**

(This amendment includes language directing the circuit court clerks and/or the Office of the Executive Secretary of the Supreme Court, to provide certain data from a circuit court's own case management system, or the statewide Circuit Case Management System to the Joint Legislative Audit and Review Commission to support the timely completion of ongoing and future reviews and analyses conducted by the Commission.)

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Item 33 #1c

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<b>Legislative Department</b>	<b>FY20-21</b>	<b>FY21-22</b>
Virginia Commission on Intergovernmental Cooperation	\$0	\$66,377 GF

**Language:**

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

**Explanation:**

(This amendment provides additional funding in the second year to cover dues payments to the National Conference of State Legislatures, the Southern Regional Education Board, Council of State Governments, and Education Commission of the States.)

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Item 34 #1c

**Legislative Department**

Legislative Department Reversion Clearing Account Language

**Language:**

Page 31, after line 31, insert:

"A. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to the general fund of \$5,911,271 representing savings generated by legislative agencies in the second year of the 2018 - 2020 biennium. The total savings amount includes estimated savings within the following legislative agencies:

<b>Legislative Agency</b>	<b>Estimated Savings</b>
133: Auditor of Public Accounts	\$500,000.00
961: Division of Capitol Police	\$2,000,000.00
109: Division of Legislative Automated Systems	\$40,000.00
107: Division of Legislative Services	\$1,000,000.00
837: Virginia Disability Commission	\$68,463.70
847: Joint Commission on Technology and Science	\$166,641.57
971: State Water Commission	\$9,121.92
118: Virginia Coal and Energy Commission	\$21,614.55
108: Virginia Code Commission	\$334,651.00
862: Small Business Commission	\$13,646.28
871: Autism Advisory Council	\$16,926.12
876: Virginia Conflict of Interest and Ethics Advisory Council	\$165,078.21
872: Virginia World War I and World War II Commemoration Commission	\$300,104.58
875: Joint Commission on Transportation Accountability	\$28,199.92
877: Commission on Economic Opportunity for Virginians in Aspiring Communities	\$30,222.37
844: Joint Commission on Health Care	\$108,047.50
839: Virginia Commission on Youth	\$40,000.00

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110: Joint Legislative Audit and Review Commission  
**Total**

\$1,068,553.29  
**\$5,911,271".**

**Explanation:**

(This amendment reverts \$5.9 million from the fiscal year 2020 balances of legislative agencies and standing commissions.)

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Item 36 #1c

**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 from the general fund in fiscal year 2022 to fund the potential increase in the use of court-appointed experts caused by the passage of legislation approved during the 2021 Special Session 1, which broadens defendants' ability to introduce evidence regarding their mental state at the time of an alleged defense, dependent upon its final passage.)

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Item 39 #1c

**Judicial Department**

Supreme Court

Language

**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

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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.)

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Item 39 #2c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Supreme Court	\$0	\$1,539,033	GF

**Language:**

Page 34, line 4, strike "\$41,962,568" and insert "\$43,501,601".

Page 36, after line 9, insert:

"P. Included in this appropriation is \$1,539,033 the second year for the implementation of an automatic expungement process pursuant to House Bill 2113 and Senate Bill 1339 of the 2021 Session of the General Assembly."

**Explanation:**

(This amendment provides \$1.5 million the second year as the first of four years of one-time information technology upgrade costs for the Office of the Executive Secretary of the Supreme Court to implement an automatic expungement process for certain offenses pursuant to House Bill 2113 and Senate Bill 1339.)

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Item 39 #3c

<b>Judicial Department</b>		<b>Language</b>
Supreme Court		

**Language:**

Page 36, after line 9, insert:

"P. The Executive Secretary of the Supreme Court shall review, in consultation with representatives of the Indigent Defense Commission, Virginia Community Criminal Justice Association, and other stakeholders identified by the Executive Secretary, the requirements of House Bill 2286 of the 2021 Session of the General Assembly, as introduced, and produce (i) a plan for the implementation of the provisions of the bill, (ii) an estimate of the costs of implementing the provisions of the bill, and (iii) an estimate of potential off-setting savings resulting from implementation of the plan. The Executive Secretary shall provide a report detailing the plan for implementation, and associated costs and savings, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1, 2021."

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**Explanation:**

(This amendment directs the Office of the Executive Secretary of the Supreme Court to review the requirements of House Bill 2286, which sought to make various changes to provisions regarding bill hearings, and to estimate the costs and potential savings resulting from its implementation, and report the findings of the review by December 1, 2021.)

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		Item 40 #1c	
<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Court of Appeals of Virginia	\$829,190 27.00	\$2,736,885 25.00	GF FTE

**Language:**

Page 36, line 24, strike "\$10,183,547" and insert "\$11,012,737".

Page 36, line 24, strike "\$15,460,379" and insert "\$18,197,264".

**Explanation:**

(This amendment provides \$829,190 from the general fund and 27 FTE positions in fiscal year 2021 and \$2.7 million from the general fund and 25 FTE positions in fiscal year 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 Senate Bill 1261 of the 2021 Special Session I, which expands the jurisdiction of the Court of Appeals. This is in addition to the funding of \$235,419 from the general fund the first year and \$4.9 million from the general fund for four judgeships and 27 staff positions in the second year included in the Governor's Introduced Budget, House Bill 1100.)

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		Item 41 #1c	
<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

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Item 42 #1c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

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Item 43 #1c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

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Item 48 #1c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Indigent Defense Commission	\$0	(\$3,928,516)	GF

**Language:**

Page 43, line 10, strike "\$63,148,850" and insert "\$59,220,334".

**Explanation:**

(This amendment removes \$3.9 million from the general fund the second year for Capital

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Indigent Defense Services, pursuant to the provisions of House Bill 2263 and Senate Bill 1165 of 2021 Special Session 1, which eliminates the death penalty in Virginia.)

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Item 48 #2c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Indigent Defense Commission	\$0	\$1,816,875	GF

**Language:**

Page 43, line 10, strike "\$63,148,850" and insert "\$64,965,725".

**Explanation:**

(This amendment provides \$1.8 million from the general fund the second year and for additional public defender, paralegal, mitigation specialist, and administrative support positions for the Indigent Defense Commission.)

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Item 48 #3c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Indigent Defense Commission	\$0	\$1,181,456	GF

**Language:**

Page 43, line 10, strike "\$63,148,850" and insert "\$64,330,306".

**Explanation:**

(This amendment provides \$1.2 million from the general fund the second year to fully fund the personnel and non-personnel operating costs of the Prince William County public defender office established in 2020.)

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Item 48 #4c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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:**

(This amendment provides \$824,277 from the general fund and 8.0 FTE attorney positions in



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fiscal year 2022 related to Senate Bill 1261 of the 2021 Special Session 1, which expands the jurisdiction of the Court of Appeals.)

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Item 48 #5c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Indigent Defense Commission	\$0 0.00	\$3,164,584 33.00	GF FTE

**Language:**

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

**Explanation:**

(The amendment provides \$3.2 million from the general fund and 33 FTE positions in fiscal year 2022, which represents the cost and staffing necessary to establish a public defender office for Chesterfield County, pursuant to Senate Bill 1442, of the 2021 General Assembly Session, contingent upon its final passage. Companion amendments to Items 41, 42, and 43 reduce estimated Criminal Fund (general fund) 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 Senate Bill 1165, of the 2021 General Assembly Session, which repeals the death penalty.)

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Item 49 #1c

<b>Judicial Department</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund and 2.0 FTE positions in fiscal year 2022 for costs associated with Senate Bill 1391 of the 2021 General Assembly, which is a recommendation of the Virginia State Crime Commission, requiring the Virginia Criminal Sentencing Commission to collect and disseminate certain statewide and locality-level data annually.)

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Item 52 #1c

*Conference Report to House Bill 1800*

<b>Executive Offices</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Office of the Governor	\$0	(\$599,192)	GF
	0.00	-3.00	FTE

**Language:**

Page 47, line 5, strike "\$6,772,269" and insert "\$6,173,077".

Page 47, line 18, strike "and \$599,192 in the second year."

**Explanation:**

(This amendment transfers \$599,192 in the second year from the general fund for the Office of the Chief Workforce Development Advisor to a new Secretariat. The responsibilities of the Chief Workforce Development Advisor are transferred to the new Secretary pursuant to the passage of House Bill 2321, 2021 General Assembly.)

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Item 52 #2c

**Executive Offices**

Office of the Governor

Language

**Language:**

Page 47, after line 28, insert:

"G.1. The Office of Diversity, Equity, and Inclusion shall develop recommendations to implement a language access policy for Virginia state government to ensure equitable access to state services for Virginians with limited English proficiency. The Office shall consult with relevant state agencies, organizations serving immigrants and refugees in Virginia, and applicable Virginia Advisory Boards. In developing the recommendations, the Office shall identify current practices in Virginia state agencies, and best practices from other states and localities, assess applicable federal requirements, consider relevant data pertaining to Virginia's immigrant community, and identify a plan, including timeline, fiscal impact, and methods for making translated materials available to the public, that would be required for implementing a language access policy.

2. The Chief Diversity Officer shall provide recommendations on or before November 1, 2021 to the Governor, and the Chairs of the House General Laws Committee and Senate General Laws and Technology Committee."

**Explanation:**

(This amendment directs the Office of Diversity, Equity, and Inclusion to develop recommendations to implement a language access policy for improving access to state services for individuals with limited English proficiency.)

**Executive Offices**

Office of the Governor

Language

**Language:**

Page 47, after line 28, insert:

"G.1. The Office of the Chief Workforce Advisor shall convene a workgroup that includes representatives from the Departments of Education, Social Services, Professional and Occupational Regulation, Health Professions; the Health Workforce Development Authority; Office of Diversity, Equity, and Inclusion; the Virginia Community College System; Commonwealth Catholic Charities, Catholic Charities; Migration and Refugee Services; International Rescue Committee; Church World Services; Lutheran Social Services; Ethiopian Development Council; NoVA Friends of Refugees; ReEstablish Richmond; local one-stop career centers that have experience serving refugees; an employer; and at least one refugee or special immigrant visa holder. The workgroup shall identify barriers that recent refugees in Virginia face to entering the workforce; assess participation in adult education and workforce training programs; compare, to the extent practicable, the current employment of recent refugees to that of their employment, including any occupational and professional credentials and academic degrees earned, prior to resettling in the United States; and identify the top occupations that recent refugees seek to work in Virginia and make recommendations for addressing any barriers that prevent them from using their work experience gained outside of the United States to obtaining employment in these occupations in Virginia.

2. The Chief Workforce Advisor shall submit a report containing the recommendations of the workgroup on or before November 1, 2021 to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor."

**Explanation:**

(This amendment directs the Chief Workforce Advisor to convene a workgroup to study and offer recommendations to improve the participation of recent refugees in Virginia's workforce. This item pursuant to the passage of House Bill 2321 in the 2021 General Assembly shall be moved to a new secretariat with responsibilities for workforce and labor policies.)

**Executive Offices**

**FY20-21**

**FY21-22**

Attorney General and Department of  
Law

\$0  
0.00

\$404,273 GF  
3.00 FTE

**Language:**

Page 48, line 42, strike "\$38,488,923" and insert "\$38,893,196".

*Conference Report to House Bill 1800*

Page 50, after line 20, insert:

"H. Out of the amounts included in this appropriation, \$404,273 is provided in the second year from the general fund pursuant to the passage of House Bill 2004 in the 2021 General Assembly."

**Explanation:**

(This amendment provides \$404,273 in the second year from the general fund to address additional workload impacts at the Office of the Attorney General (OAG) for House Bill 2004 of the 2021 General Assembly, which requires criminal investigative files related to investigations that are not ongoing to be released in accordance with the provisions of the Virginia Freedom of Information Act.)

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Item 57 #2c

<b>Executive Offices</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Attorney General and Department of Law	\$0 0.00	\$3,370,066 34.00	GF FTE

**Language:**

Page 48, line 42, strike "\$38,488,923" and insert "\$41,858,989".

**Explanation:**

(This amendment provides \$3.4 million from the general fund and 34.00 FTE positions, including 27 attorney positions and seven administrative support staff positions, associated with Senate Bill 1261, 2021 Special Session 1, which expands the jurisdiction of the Court of Appeals.)

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Item 61 #1c

<b>Executive Offices</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Attorney General and Department of Law	\$0 0.00	(\$268,000) -2.00	GF FTE

**Language:**

Page 51, line 2, strike "\$1,427,335" and insert "\$1,159,335".

**Explanation:**

(This amendment removes proposed funding in the introduced budget to address additional workload impacts for the Division of Human Rights related to House Bill 2155, 2021 General Assembly that failed.)

*Conference Report to House Bill 1800*

Item 68 #1c

<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Compensation Board	\$0	\$600,000	GF

**Language:**

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

Page 58, line 47, strike "1,256,649" and insert "1,856,649".

**Explanation:**

(This amendment provides \$600,000 from the general fund 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).)

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Item 72 #1c

<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Compensation Board	\$0	\$93,200	GF

**Language:**

Page 64, line 4, strike "\$79,259,767" and insert "\$79,352,967".

Page 66, after line 35, insert:

“L. Included in this appropriation is \$93,200 in the second year from the general fund to support the costs of converting the Commonwealth's Attorney's office in Craig County from part-time to full-time status effective July 1, 2021, in accordance with the election of the officer pursuant to § 15.2-1629, Code of Virginia.”

**Explanation:**

(This amendment addresses additional funding needs to convert the part-time Commonwealth’s Attorney’s office in Craig County to full-time status in accordance with § 15.2-1629, Code of Virginia, effective July 1, 2021, including: a) funding to convert the salary of the Commonwealth's Attorney to full-time; b) funding to convert the salary of the part-time administrative position to full-time status; and c) additional office expense funding. The annualized cost in fiscal year 2023 is \$100,865.)

---

Item 74 #1c

**Administration**

Compensation Board

Language

**Language:**

Page 70, after line 14, insert:

"D. Notwithstanding the provisions of § 8.01-490, Code of Virginia, a treasurer, sheriff or other officer distraining or levying upon personal property may employ a licensed auctioneer or auction firm, as defined in § 54.1-600, Code of Virginia, to sell such property on behalf of the officer, and may transport such property to the site of an auction for such purpose, regardless of whether the site is within or outside the officer's county or city."

**Explanation:**

(This amendment clarifies that an officer (such as a treasurer or sheriff) who distrains or levies upon property (for instance, to satisfy delinquent taxes or a recorded judgment) may utilize an auctioneer or auction firm located outside the officer’s jurisdiction to sell the property. This allowance may lead to cost efficiencies for the seller and the owner.)

Item 75 #1c

<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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. The Compensation Board shall work with the Virginia Association of Commonwealth's Attorneys to examine the staffing standards used to determine and distribute funding and positions allocated to Commonwealth's Attorney's offices, including the use of diversion programs, specialty dockets, and other programs that incentivize best practices and improved outcomes as part of overall criminal justice reform efforts, rather than the current practice which relies 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 Compensation Board shall develop a revised staffing standard for Commonwealth's Attorney's offices based on the results of the study that expands the current model focused on felony charges and convictions and accounts for the use of diversion programs, speciality dockets, and other programs. Included within this appropriation is \$250,000 in the second year from the general fund for the purpose of contracting with the

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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 from the general fund in fiscal year 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 to include diversion programs and speciality dockets.)

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Item 75 #2c

**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

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Assembly and to provide a report to the Chairs of the Money Committees by November 1, 2021.)

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Item 79 #1c

<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of General Services	\$0	\$500,000	GF

**Language:**

Page 76, line 36, strike "\$54,047,690" and insert "\$54,547,690".

Page 76, line 49, strike "\$42,197,934" and insert "\$42,697,934".

**Explanation:**

(This amendment provides additional funding for operations and maintenance costs for facilities under DGS management.)

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Item 82 #1c

<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of General Services	\$0	\$400,000	GF
	0.00	2.00	FTE

**Language:**

Page 79, line 34, strike "\$5,603,640" and insert "\$6,003,640".

Page 79, line 39, before "Out" insert "A."

Page 79, after line 41, insert:

"B.1. The Department shall lead, provide administrative support to, and convene an annual public body procurement workgroup to review and study proposed changes to the Code of Virginia in areas of non-technology goods and services, technology goods and services, construction, transportation, and professional services procurements. The workgroup shall consist of the Director of the Department of Small Business and Supplier Diversity, Director of the Department of General Services, the Chief Information Officer of Virginia Information Technology Agency, Commissioner of the Virginia Department of Transportation, Director of the Department of Planning and Budget, the President of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP), the President of the Virginia Association of Governmental Purchasing or their designees; a representative from the Office of the Attorney General Government Operations and Transactions Division, a staff member of the Virginia House Appropriations Committee, Senate Finance and Appropriations Committee, and Division of Legislative Services.

2. The workgroup is charged with hearing legislation referred by letter from the Chairs of the House Rules, General Laws, and Appropriations Committees, and Chairs of the Senate Rules,



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General Laws and Technology, and Finance and Appropriations Committees. The workgroup will hear from stakeholders identified by the patron of the referred legislation and other interested individuals to discuss the legislation's impacts to: 1) small businesses to include women and minorities; 2) the Commonwealth's budget; and 3) the Commonwealth's procurement processes. Such meetings will be open to the public. In addition, the Chairs of the House Rules and House Appropriations Committees and Chairs of Senate Rules and Senate Finance and Appropriations Committees may request the workgroup review procurement related proposals in advance of upcoming legislative sessions to better understand potential impacts prior to the start of the annual General Assembly Session.

3. The workgroup will first examine current construction procurement processes by state agencies and covered institutions, needed to incentivize positive business behavior by general contractors that support achieving the Commonwealth's discretionary spend goals for small, women, and minority owned businesses. Additionally, the workgroup will provide best practices associated with oversight of subcontracts to include reporting requirements for payroll records, contracts and payments to other businesses, including individuals classified as independent contractors. In its initial review, the workgroup will provide findings to the Chairs of the House Rules, General Laws, and Appropriations Committees, and Chairs of the Senate Rules, General Laws and Technology, and Finance and Appropriations Committees, on or before September 1, 2021."

**Explanation:**

(This amendment creates annual public body procurement workgroup to review any proposed changes to the Virginia Public Procurement Act to better understand cost and process considerations involved with legislative proposals, before and after annual legislative session.)

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Item 83 #1c

**Administration**

Department of Human Resource Management

Language

**Language:**

Page 82, after line 28, insert:

“N. The Department 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, reducing cost, and sustaining the hiring and retention of a highly qualified workforce. The Department shall report to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on its findings by September 1, 2021.”

**Explanation:**

(This amendment directs the Department of Human Resource Management, in collaboration with other state agencies to review how teleworking can be used as a means to reduce operational costs for state government, and recruit and retain workers for state government jobs. A report on such findings and recommendations is due to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021.)

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Item 86 #1c

**Administration**

Department of Elections

Language

**Language:**

Page 85, after line 48, insert:

"K.1 Notwithstanding Virginia Code §§ 24.2-506, 24.2-521, and 24.2-684.1, during a state of emergency as declared by the Governor due to the novel coronavirus (COVID-19) during 2021, any candidate for nomination by primary or any candidate for any office, other than a party nominee, may gather petition signatures as prescribed under Chapter 6 of Title 24.2 or by using the relevant form published by the Department of Elections as described under paragraph (2).

2. For local offices, offices of the General Assembly, statewide offices, constitutional offices, and referenda, the Department of Elections will develop and publish, not later than March 1, 2021, forms to be used for petition circulation that permit a qualified petition signer to sign a petition while not in the presence of a petition circulator, provided that, in using the form, the petition signer must provide the following information:

- a. Affirmation that the signer is who they attest they are;
- b. Affirmation that the signer is a resident of their jurisdiction, including a statement of their address; and
- c. The last four digits of the signer's social security number.

3. If an individual signs a petition form published by the Department of Elections as described under paragraph (2), that individual shall transmit that form, either by mail, electronically, or physically, to the candidate, the candidate's campaign, or the petition circulator.

4. If a petition form is required to be submitted to the Chair or Chair of the several committees of the respective party of the candidate for whom the petition is signed, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition forms as prescribed under Title 24.2 of the Virginia Code.

5. If a petition form is required to be submitted to a general registrar, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition forms as prescribed under Title 24.2 of the Virginia Code.

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6. If a petition form is required to be submitted to the State Board of Elections, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition form to the State Board of Elections either by mail, electronically, or physically. Any such petition forms shall be required to be received by the State Board of Elections by the relevant deadline under Virginia Code Title 24.2.

7. If a petition is required to be submitted to a court or other appropriate authority pursuant to Virginia Code § 24.2-684.1, the individual circulating such petition shall submit the petition to the court or other appropriate authority as prescribed under Title 24.2 of the Virginia Code."

**Explanation:**

(This amendment creates uniformity in collecting petition signatures for state and local offices during the COVID-19 pandemic.)

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Item 86 #2c

**Administration**

Department of Elections

Language

**Language:**

Page 85, after line 48, insert:

"K.1. For the special elections and primaries to be held prior to July 1, 2021 upon receipt of an absentee ballot returned four days prior to the date of the election, each general registrar shall examine the ballot envelopes to verify completion of the required voter affirmation.

2. If the general registrar finds during the examination of a returned absentee ballot envelope that the required voter affirmation was not correctly or completely filled out or that a procedure required by § 24.2-707 of the Code of Virginia was not properly followed, and such error or failure shall render the ballot void by law, the general registrar shall, within three days of such finding, notify the voter of the error or failure. However, notwithstanding the provisions of §§ 24.2-706 and 24.2-707 of the Code of Virginia, the failure of an absentee voter marking and returning a mail absentee ballot for special elections and primaries, or ballot measures held prior to July 1, 2021, to have a witness sign the statement on the back of the absentee ballot return envelope shall not be considered a material omission and shall not render his ballot void. Such notice shall be made by phone, email, or in writing and shall provide information to the voter as to how to correct the issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before noon on the third day after the election, and his ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia if he is found to be entitled to vote. Notwithstanding any other provision of law to the contrary, no absentee ballot needing correction shall be delivered to the officers of election at the appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to this subparagraph.

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3. The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first ballot with other spoiled ballots.

L.1. Notwithstanding any other provision of law, for special elections and primaries to be held prior to July 1, 2021, mailed absentee ballots shall be returned (i) by mail to the office of the general registrar, (ii) by the voter in person to the general registrar, (iii) to a drop-off location, or (iv) by commercial delivery service.

2. Mailed absentee ballots shall provide instructions that include information on the locations of all drop-off locations available in the locality at the time such ballots are mailed by the general registrar.

3. The general registrar of each county or city shall establish at the office of the general registrar and each voter satellite office in operation for an election a drop-off location for the purpose of allowing voters to deposit completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location at each polling place in operation for the election. The general registrar may establish additional drop-off locations within the county or city as he deems necessary. All drop-off locations shall be accessible; be on public property, unless located at a polling place; and otherwise comply with any criteria for drop-off locations set by the Department of Elections.

4. The Department of Elections shall set standards for the establishment and operation of drop-off locations, including necessary security requirements. The Department of Elections shall submit such standards to the Chairs of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations within 30 days of the effective date of this act.

5. The general registrar of a county or city utilizing drop-off locations shall post notice of the locations of the drop-off locations in the locality in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee ballots may be returned.

6. Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department of Elections. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily, by two officers of election representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or an assistant general registrar may collect the absentee ballots.

7. Any ballot returned to a drop-off location in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to a drop-off location before the closing of the polls. Any voter who is in line to return the voter's absentee ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit the absentee ballot.

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M. 1. The general registrar shall include with the absentee ballot prescribed in § 24.2-706 of the Code of Virginia, an envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar by mail for special elections and primaries to be held prior to July 1, 2021.

N. The provisions of paragraphs K., L. and M. shall expire June 30, 2021."

**Explanation:**

(This amendment extends the elections policies put into place by the General Assembly during the 2020 Special Session I until the provisions of House Bill 1888 and Senate Bill 1097, 2021 General Assembly are effectuated on July 1, 2021, which include provisions for the use of absentee ballots in elections.)

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Item 86 #3c

**Administration**

Department of Elections

Language

**Language:**

Page 85, after line 48, insert:

"K. The Department shall use remaining funds provided in Chapter 1, 2020 Special Session I Acts of Assembly to reimburse localities for the cost of prepaid postage for the return of absentee ballots. The Department of Elections shall reimburse localities for return absentee ballot prepaid postage by validating qualifying amounts through proper documentation. These funds shall not be used or otherwise obligated for any other purposes."

**Explanation:**

(This amendment continues to provide funding to reimburse general registrars for the cost of prepaid postage for the return of absentee ballots at an amount estimated to be \$1.0 million.)

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Item 86 #4c

**Administration**

**FY20-21**

**FY21-22**

Department of Elections

\$0

\$87,313 GF

**Language:**

Page 84, line 35, strike "\$16,823,166" and insert "\$16,910,479".

Page 85, line 17, after "year" strike "and \$212,687 the second year".

Page 85, after line 48, insert:

"K. Out of the amounts in this item, \$300,000 in the second year from the general fund is

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provided for voter outreach and education about new voting laws enacted during the 2020 General Assembly Session and 2021 General Assembly Session."

**Explanation:**

(This amendment provides \$300,000 in the second year from the general fund at the Department of Elections to support voter education and outreach efforts on new voting laws. This amendment includes new funding in addition to repurposing existing resources within the agency for previous voter education campaigns.)

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	Item 87 #1c	
<b>Administration</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Elections	\$0	\$3,514,134 GF

**Language:**

Page 85, line 51, strike "\$6,275,378" and insert "\$9,789,512".

Page 87, after line 15, insert:

"C. Notwithstanding the salaries listed in paragraph A. of this item, effective July 1, 2021 the annual salaries for general registrars shall be adjusted to equal the salaries for Local Treasurers as established under Item 74 of this act."

**Explanation:**

(This amendment provides \$3.5 million from the general fund the second year to increase the salary scale for general registrars to equal the salary scale for treasurers. It is the intention of the General Assembly to reflect the updated salary tables for the registrars during the enrollment process.)

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	Item 90 #1c
<b>Administration</b>	
Virginia Information Technologies Agency	Language

**Language:**

Page 88, strike lines 14 through 22.

Page 88, line 23, strike "E" and insert "D".

Page 88, line 52, strike "F" and insert "E".

**Explanation:**

(This amendment removes a quarterly reporting requirement for VITA to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee on the

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transition to a new model for technology services. Virginia transitioned to the new model in April 2020. Language in Item 32 of the budget requires the Joint Legislative Audit and Review Commission to conduct an annual review of the agency.)

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Item 90 #2c

**Administration**

Virginia Information Technologies Agency

Language

**Language:**

Page 89, after line 1, insert:

"G. The Virginia Information Technologies Agency shall provide a network infrastructure report to the House Appropriations Committee, Senate Finance and Appropriations Committee, and 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 requires VITA to provide a network infrastructure report annually to the Chairs of the legislative money committees and the Joint Legislative Audit and Review Commission (JLARC) to address network capacity challenges for state agencies. This is a recommendation of JLARC.)

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Item 97 #1c

**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:**

(This amendment restores \$250,000 from the general fund 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.)

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Item 97 #2c

<b>Agriculture and Forestry</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Agriculture and Consumer Services	\$0	\$750,000	GF

**Language:**

Page 94, line 41, strike "\$21,892,069" and insert "\$22,642,069".

Page 95, line 46, strike the second "\$250,000" and insert "\$1,000,000".

**Explanation:**

(This amendment provides an additional \$750,000 million the second year from the general fund for the Virginia Farmland Preservation Fund.)

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Item 97 #3c

<b>Agriculture and Forestry</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Agriculture and Consumer Services	\$2,000,000	\$0	GF

**Language:**

Page 94, line 41, strike "\$23,620,243" and insert "\$25,620,243".

Page 96, line 17, strike "\$1,125,000" and insert "\$3,125,000".

**Explanation:**

(This amendment increases the first year general fund appropriation for the Virginia Food Access Investment Program from \$1.1 million to \$3.1 million.)

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Item 98 #1c

<b>Agriculture and Forestry</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Agriculture and Consumer Services	\$0	\$1,000,000	GF

**Language:**

Page 96, line 21, strike "\$1,233,692" and insert "\$2,233,692".

Page 96, after line 34, insert:

"C. Out of the amounts in this item, \$1,000,000 the second year from the general fund is provided for the Dairy Producer Margin Coverage Premium Assistance Program, consistent with the provisions of House Bill 1750 and Senate Bill 1193 of 2021 Special Session I of the General Assembly."



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**Explanation:**

(This amendment provides \$1.0 million the second year from the general fund for the Dairy Producer Margin Coverage Premium Assistance Program, pursuant to House Bill 1750 and Senate Bill 1193.)

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		Item 98 #2c	
Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0 0.00	\$250,000 1.00	GF FTE

**Language:**

Page 96, line 21, strike "\$1,233,692" and insert "\$1,483,692".

Page 96, after line 34, insert:

"C. Out of the amounts in this item, \$250,000 the second year from the general fund is provided for the Department's efforts to support the International Trade Plan."

**Explanation:**

(This amendment provides \$250,000 the second year from the general fund and two positions for the Virginia Department of Agriculture and Consumer Services to expand services for Virginia businesses in coordination with the Virginia Economic Development Partnership in implementing the Commonwealth's International Trade Plan. The International Trade Plan was developed by the VDEP Committee on International Trade. A corresponding amendment to VEDP provides related funding and positions.)

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		Item 99 #1c	
Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0	\$75,000	GF

**Language:**

Page 96, line 36, strike "\$4,385,658" and insert "\$4,460,658".

Page 96 line 51, strike the second "\$125,000" and insert "\$200,000".

**Explanation:**

(This amendment provides an additional \$75,000 the second year from the general fund for the Beehive Grant Fund. The Fund provides beehive equipment directly to eligible beekeepers.)

Item 105 #1c

<b>Agriculture and Forestry</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Agriculture and Consumer Services	\$0 0.00	\$407,600 5.00	GF FTE

**Language:**

Page 98, line 55, strike "\$1,687,925" and insert "\$2,095,525".

Page 99, after line 18, insert:

"D.1 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 October 1, 2021.

2. All regulations promulgated by the Charitable Gaming Board and in effect on March 1, 2021 shall remain in force and no additional regulations shall be promulgated or additional physical devices authorized for either charitable or fantasy contests regulated by the Office of Charitable and Regulatory Programs prior to June 31, 2022."

**Explanation:**

(This amendment provides funding consistent with the provisions of Senate Bill 1127 of the 2021 General Assembly and 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 #1c

**Agriculture and Forestry**  
Department of Forestry

Language

**Language:**

Page 101, after line 23, insert:

"M. The Department of Forestry shall convene a stakeholder workgroup for the purpose of

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developing and providing recommendations to state and local governments related to policies which encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and to encourage the planting of trees. The stakeholder workgroup shall also examine Virginia's existing enabling statutes and their use related to the preservation, planting, and replacement of trees during the land development process, including, but not limited to, §§ 15.2-960, 15.2-961, 15.2-961.1, and 15.2-961.2, *Code of Virginia*, and recommend potential changes to those sections that would enhance the preservation, planting, and replacement of trees during the land development process and incentives for the preservation, planting, or replacement of trees during the land development process. The stakeholder workgroup shall be composed of representatives of the residential and commercial development and construction industries, agricultural and forestry industry representatives, professional environmental technical experts, representatives of local governments, and other affected parties who the Department of Forestry deems necessary. The Department shall provide a report detailing findings, recommendations, and draft legislation of the workgroup to the Chairs of the House Agriculture, Chesapeake and Natural Resources and Senate Agriculture, Conservation and Natural Resources Committees no later than November 1, 2021, and shall include in the report recommendations for draft legislation to encourage the conservation of tree cover and mature trees, or the planting of trees."

**Explanation:**

(This amendment directs the Department of Forestry to convene a stakeholder workgroup to provide recommendations for policies which encourage increased tree cover in communities, and the preservation of mature trees and tree cover on sites being developed.)

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		Item 107 #2c	
<b>Agriculture and Forestry</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Forestry	\$0	(\$316,146)	GF
	0.00	-3.00	FTE

**Language:**

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

**Explanation:**

(This amendment removes \$316,146 from the general fund the second year and three positions included in the introduced budget to establish a statewide Incident Management Team training program at the Department of Forestry.)

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		Item 111 #1c	
<b>Commerce and Trade</b>			

Secretary of Commerce and Trade

Language

**Language:**

Page 104, strike lines 43 through 52.

Page 105, strike lines 1 through 12, and insert:

"E.1. The Chief Workforce Development Advisor to the Governor in coordination with the Secretary of Administration, Secretary of Finance, and Secretary of Commerce and Trade shall convene a workgroup to review the Commonwealth's state public works payment process to contractor employees. The workgroup shall identify and make process improvement recommendations to correct any identified issues with the intent to put forward a comprehensive legislative and budgetary package for consideration in the 2022 General Assembly Session.

2. The workgroup shall consist of the Commonwealth's Chief Workforce Advisor to the Governor, Secretary of Finance, Secretary of Administration, and Secretary of Commerce and Trade, or their designees, staff from the House Appropriations and Senate Finance and Appropriations Committees, representatives from Virginia public colleges and universities and state agencies, two representatives from labor organizations that can bring forth to the workgroup documented situations where such misclassification has occurred on Commonwealth public work projects, two representatives from the general contractor business community with experience in providing construction services to the Commonwealth, and representatives from agencies deemed relevant by the their corresponding cabinet official, which may include the Department of General Services, Department of Small Business and Supplier Diversity, Department of Labor and Industry, Department of Professional and Occupational Regulation, Virginia Employment Commission, Virginia Worker's Compensation Commission, and Department of Taxation. It is the intent of the General Assembly that the representatives on this workgroup shall be representative of all perspectives to protect workers engaged on state contracts and to balance financial and workload impacts for state agencies.

3. The Chief Workforce Advisor shall submit a final report to the Chairs of the House Appropriations and General Laws Committees, and Senate Finance and Appropriations and General Laws and Technology Committees on or before than October 1, 2021.

4. In making recommendations for its October 2021 report, the workgroup shall consider the findings, recommendations, and insights from the initiatives established in Item 82 of this act, and paragraphs F. and G. of this item. Among other things the workgroup shall, examine the procurement, wage theft, worker misclassification, and prevailing wage laws in offering potential recommendations for legislation and budgetary actions in the 2022 General Assembly Session that can address prevention and enforcement of the state's labor laws on capital construction projects. The workgroup shall provide state fiscal impact estimates by fiscal year and fund source for any recommendation contained in its final report to ensure the General Assembly understands the costs of these recommendations prior to the start of the 2022 General Assembly Session. Additionally, the workgroup shall discuss ideas to incentivize positive business behavior by general contractors, models that require subcontractors to get authorization prior to outsourcing any work on state contracts, such as the one deployed by the Virginia

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Military Institute, and data collection and verification of employee payrolls for independent contractors working on state contracts.

5. Initial ideas from the workgroup are implemented in paragraphs F. and G. of this item. The workgroup may make recommendations to continue, stop, or modify these items in its final report.

F.1. The Secretary of Commerce and Trade, Secretary of Administration the Secretary of Finance and the Chief Workforce Development Advisor, with the assistance of their relevant agencies shall work to establish a state government infrastructure to identify and investigate potential worker misclassification and wage theft issues on the Commonwealth's capital construction projects. The infrastructure shall include an initial resolution process for project owners to work with the prime contractor. If the identified matter cannot be resolved with the initial step, it shall be referred to the Secretary of Finance and the Chief Workforce Development Advisor to direct the claim to the agency with the appropriate statutory authority to launch an investigation. The investigating agency shall notify the Secretary of Finance and the Chief Workforce Development Advisor of any violation committed by the contractor. This includes issues of wage theft and worker misclassification. The Secretary of Finance or the Chief Workforce Development Advisor shall notify the appropriate project owner of such violation of the state's worker misclassification or wage theft laws by a contractor performing work on a state project. The agency funding such violation occurred shall address the matter pursuant to the applicable provisions under the law, which may include debarment by the Department of Taxation under the state's worker misclassification laws. The project owner shall take appropriate contractual remedies to address the violation in addition to those pursued by the investigating agency.

2. The Secretary of Commerce and Trade and the Chief Workforce Development Advisor, will identify, or develop its own, national and state labor laws training program for the Commonwealth's capital project managers. The Department of General Services, and institutions of higher education with capital outlay autonomy, shall include in their construction of administration procedures a requirement that project managers that oversee capital projects complete the training by July 1, 2023. The Secretary of Administration and the Chief Workforce Development Advisor shall ensure any state employee who oversees capital outlay construction projects take an online or face to face course on national and state labor laws related to construction projects by July 1, 2023. The Secretary of Commerce and Trade shall report to the Governor, Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee costs to implement and support this professional development training on or before September 1, 2021, or include these costs in the report required in paragraph E. of this item.

3. In implementing the provisions of paragraph F. of this item, the Chief Workforce Development Advisor shall develop legislative recommendations and implementation procedures that require the Department of Labor and Industry, the Virginia Employment Commission, the Department of Occupational Regulation, and the Workers Compensation Commission to debar contractors for workplace-related violations. These recommendations

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shall be reviewed and incorporated into the final report of the workgroup created in paragraph E.1. of this item.

G.1. The Secretary of Commerce and Trade, Secretary of Administration, the Secretary of Finance and the Chief Workforce Development Advisor shall convene an interagency taskforce to meet regularly to share data on any recent substantiated findings of worker misclassification and wage theft issues in the Commonwealth including any on state capital projects. For any such findings identified that pertain to public bodies the taskforce will provide its findings to the State Inspector General for further investigation. The taskforce shall include representatives from the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the Virginia Employment Commission, and the Virginia Worker's Compensation Commission. The taskforce may consider signing a data sharing agreement or Memorandum of Understanding to share information on employers who are currently being investigated or found guilty of unlawful business practices, such as wage theft and worker misclassification.

2. The taskforce shall recommend measures to improve transparency for construction contractors on public works projects, which may include requiring all contractors for public works to submit on a monthly or biweekly basis certified payrolls for employees, certified payrolls for independent contractors, and the number of employees and independent contractors present on the worksite. These recommendations shall be reviewed and incorporated into the final report of the workgroup created in paragraph E.1. of this item.

3. The taskforce shall advise the public works process workgroup in paragraph E.1. of this item on topics including the implementation status of Virginia's new labor laws on worker misclassification and wage theft, and other relevant ideas to preventing and enforcing wage theft and worker misclassification on state capital construction projects including those contained in paragraph 2. above."

**Explanation:**

(This amendment updates language for a workgroup examining remedies for alleged labor law violations on the state's capital construction contracts. In addition the amendment initiates several concepts discussed by this workgroup including: an infrastructure established by the Secretary of Finance and the Chief Workforce Development Advisor to investigate alleged labor law violations, training for procurement officers on current labor laws, and an interagency taskforce to share data on substantiated findings of worker misclassification and wage theft. Item 120 contains additional resources to effectuate the provisions of this budget amendment. Upon enrolling, this item will be moved to a new secretariat pursuant to the passage of House Bill 2321 in the 2021 General Assembly.)

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Item 111 #2c

**Commerce and Trade**

Secretary of Commerce and Trade

Language

*Conference Report to House Bill 1800*

**Language:**

Page 104, strike 26 through 42.  
Page 104, line 43, strike "E" and insert "D".

**Explanation:**

(This amendment removes language authorizing a workgroup to review the feasibility of creating a paid family and medical leave program. The workgroup submitted its final report in the September 2020. This is a technical amendment.)

Item 111.10 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Secretary of Commerce and Trade	\$0	\$599,192	GF
	0.00	4.00	FTE

**Language:**

Page 105, after line 16, insert:

"111.10 New Secretary	\$0	\$599,192
Fund Sources:                      General	\$0	\$599,192 "

"A.1. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly, there is hereby created a new Secretariat effective July 1, 2021. Included in this item is funding for the salary of the Secretary and authorization for four positions. The Secretary shall be responsible to the Governor for the following agencies: Department of Labor and Industry, Virginia Employment Commission, and Department of Professional and Occupational Regulation. Effective July 1, 2021, the appropriations and positions of the agencies listed in this section shall be transferred from the Secretary of Commerce and Trade to the new Secretariat. The Governor, by executive order, may assign any state executive agency to the Secretary or reassign any agency to another Secretary. In addition, the Governor is hereby authorized to transfer positions and associated funding from agencies within the new Secretariat to the office of said Secretary up to a maximum of four positions.

2. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly any budgetary item acted on by the 2021 General Assembly pertaining to the Chief Workforce Development Advisor shall be transferred to this new Secretariat, accordingly. This includes provisions contained under Items 52 and 111 of this act.

3. The Director, Department of Planning and Budget, shall include implementation of the actions set forth in this item in the Budget Bill submitted to the 2022 Session of the General Assembly."

**Explanation:**

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(This amendment creates a new cabinet official, and transfers money currently appropriated for the Chief Workforce Development Officer to support the new office. Upon enrolling, amendments related to the Chief Workforce Development Advisor will be transferred to the new Secretary including amendments to Item 111 and Item 52 of this act.)

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	Item 112 #1c	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>
Economic Development Incentive Payments	\$0	\$10,000,000 GF

**Language:**

Page 105, line 19, strike "\$58,585,483" and insert "\$68,585,483".

Page 107, after line 47, insert:

"O.1. Out of the amounts in this item, \$10,000,000 the second year from the general fund shall be provided to the City of Petersburg for expenses incurred from the installation of a water tank and associated infrastructure at a chemical plant complex in the city. The water tank and associated infrastructure shall be adequate to ensure the water pressure can support the minimum fire protection and manufacturing needs of a regional pharmaceutical manufacturing cluster.

2. Disbursement of these funds shall require an executed memorandum of understanding with the Virginia Economic Development Partnership and the City of Petersburg by a pharmaceutical manufacturer that sets forth the requirements for capital investments and the creation of new full-time jobs. Such requirements shall include at a minimum, new capital investments of \$105,800,000 and the creation of 88 new full-time jobs in the City of Petersburg.

3. Disbursement of these funds is contingent upon the City of Petersburg executing a loan through the Department of Environmental Quality's Virginia Clean Water Revolving Loan Fund to address sewer improvements at the chemical plant complex. The amount of the loan shall be sufficient to provide water and sewer improvements necessary to sustain a regional pharmaceutical manufacturing cluster, including the construction of a pump station that will substantially increase sewer capacity."

**Explanation:**

(This amendment provides \$10.0 million in the second year from the general fund to improve a chemical plant complex located in the City of Petersburg. The improvements to the site will allow the facility to support economic development in the region through the recruitment and retention of pharmaceutical manufacturers. Funding is contingent upon (i) an executed performance agreement between Phlow Corporation, the City of Petersburg and the Virginia Economic Development Partnership; and (ii) an executed loan to the City of Petersburg through the Department of Environmental Quality's Virginia Clean Water Revolving Loan Fund.)



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Item 112 #2c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 2021 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth."

**Explanation:**

(This amendment provides the initial payment for a recently approved MEI project. Funding is contingent upon the passage of House Bill 5001 in the 2021 General Assembly.)

---

Item 112 #3c

<b>Commerce and Trade</b>		<b>Language</b>
Economic Development Incentive Payments		

**Language:**

Page 107, after line 47, insert:

"O. Notwithstanding any provisions of § 30-310, Code of Virginia, the MEI Commission shall only be required to review economic development incentive packages in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality that exceed \$250,000 in aggregate incentive investments."

**Explanation:**

(This amendment allows the Virginia Economic Development Partnership to authorize incentive packages that involve the in-state re-location of employers under \$250,000 without the approval of the MEI Commission.)

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Item 112 #4c

*Conference Report to House Bill 1800*

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

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Item 113 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Housing and Community Development	\$0	\$50,000	GF

**Language:**

Page 108, line 13, strike "\$181,360,089" and insert "\$181,410,089".  
Page 110, after line 40, insert:

"L. Out of the amounts in this item, \$50,000 in the second year from the general fund is provided pursuant to the passage of House Bill 2053 in the 2021 General Assembly, which directs the Department to lead a workgroup to provide recommendations on increasing local development of accessory dwelling units on single-family dwelling lots."

**Explanation:**

(This amendment provides \$50,000 in the second year from the general fund for associated costs related to House Bill 2053, 2021 General Assembly.)

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Item 114 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Housing and Community Development	\$100,000	\$20,000	GF

**Language:**

Page 110, line 42, strike "\$129,138,362" and insert "\$129,238,362".  
Page 110, line 42, strike "\$128,538,362" and insert "\$128,558,362".

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Page 114, after line 46, insert:

"O. Of the amounts in this item, \$100,000 in the first year and \$20,000 in the second year from the general fund shall be provided to the Middle Peninsula Planning District Commission for the purpose of designing and constructing a pilot elevated septic system suitable for areas susceptible to recurrent flooding in rural coastal Virginia. The Department of Health will monitor its ability to protect public health and as a potential strategy for resiliency of recurrent tidal flooding."

**Explanation:**

(This amendment provides \$120,000 over the biennium from the general fund to fund an elevated septic system pilot program at the Middle Peninsula Planning District Commission. Septic systems in coastal Virginia suffer from a constant threat of sea level rise, storm surges, and chronic flooding which can cause catastrophic failures of inground septic systems due to water inundation. The Middle Peninsula Planning District Commission plans to contribute \$10,000 to this pilot project. A companion amendment in Item 302 establishes the parameters of the pilot program .)

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Item 114 #2c

**Commerce and Trade**

**FY20-21**

**FY21-22**

Department of Housing and  
Community Development

\$0

\$424,000 GF

**Language:**

Page 110, line 42, strike "\$128,538,362" and insert "\$128,962,362".

Page 114, after line 46, insert:

"O.1. Out of the amounts in this item, \$424,000 in the second year from the general fund is provided to support the creation of a statewide broadband map. The Department shall, in coordination with the Office of the Chief Broadband Advisor, develop a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth. The Department and Chief Advisor shall provide the initial map by July 1, 2022, or as soon as practicable, and shall update the map at least annually.

2. Broadband service providers shall be required to submit updated service territory data to the Department annually. The Department shall establish a process, timeline, and specific data requirements for broadband providers to submit their data. All public bodies shall cooperate with the Department, or any agent thereof, to furnish data requested by the Department for the initial improvement and maintenance of the map.

3. In no instance may the Department require broadband providers to submit any data, in either substantive content or form, beyond that which the provider is required to submit to the Federal Communications Commission pursuant to the federal Broadband Deployment Accuracy and

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Technological Availability Act, 47 U.S.C. § 641 et. seq., provided, however, that satellite-based broadband providers that have been designated as an eligible telecommunications carrier pursuant to 47 130 U.S.C. § 214(e)(6) for any portion of the Commonwealth shall be required to submit comparable data as other broadband providers. Public bodies and broadband providers shall not be required to submit any customer information, such as names, addresses, or account numbers.

4. The Department may publish only anonymized versions of the map, showing locations served and unserved by broadband without reference to any specific provider. The map shall not include information regarding ownership or control over the network or networks providing service. The Department shall establish a process for broadband providers to petition the Department to correct inaccuracies in the map. Any determination made by the Department pursuant to any specific petition with respect to any specific map to correct inaccuracies shall be final and not subject to further review.

5. Maps published by the Department pursuant to this section may be considered, but shall not be considered conclusive, for purposes of determining eligibility for funding for Commonwealth broadband expansion grant or loan programs, including the Virginia Telecommunication Initiative, or challenges thereto.

6. The Department: May contract with private parties to make the necessary improvements to the existing map and to maintain the map. Such private parties may include any entities and individuals selected by the Department to assist the Department in improving and maintaining such a map; Shall consult existing broadband maps, particularly those published by the Federal Communications Commission; and May acquire existing, privately held data or mapping information that may contribute to the accuracy of the map.

7. Information submitted by a broadband provider in connection with this section shall be excluded from the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Information submitted by a broadband provider pursuant to this section shall be used solely for the purposes stated under this section and shall not be released by the Department, or any other public records custodian, without the express written permission of the submitting broadband provider.

8. The Department shall annually evaluate federal mapping data and shall waive the requirement for broadband providers to submit territory data if a map of near identical or greater quality is made publicly available by the Federal Communications Commission as part of the federal Digital Opportunity Data Collection program or its successor. This waiver shall not be unreasonably withheld.

9. For the purposes of the initiative outlined in paragraph O. of this item, "Broadband" means Internet access at speeds equal to or greater than the broadband Internet speed benchmark set by the Federal Communications Commission. "Broadband provider" means a provider of fixed or mobile broadband Internet access service and includes any entity required to provide the federal government with information on Federal Communications Commission Form 477 or as part of the federal Digital Opportunity Data Collection program or a provider of satellite-based

broadband Internet access service that has been designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of the Commonwealth. "Chief Advisor" means the Commonwealth Broadband Chief Advisor as established in § 2.2-205.2.114, Code of Virginia. "Map" means the statewide broadband availability map developed and maintained pursuant to paragraph O. of this item."

**Explanation:**

(This amendment provides \$424,000 from the general fund in the second year to the Department of Housing and Community Development to develop a statewide broadband map and establishes parameters for the development of that map.)

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Item 114 #3c

**Commerce and Trade**

Department of Housing and Community Development

Language

**Language:**

Page 114, strike lines 5 through 29.

Page 114, line 33, after "group" insert:

"established in Chapter 2, 2018 Special Session I, Acts of Assembly."

**Explanation:**

(This amendment removes language related to a broadband advisory workgroup used to develop a framework for GO Virginia to invest in broadband deployment. The workgroup has completed its work and the language is no longer necessary.)

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Item 114 #4c

**Commerce and Trade**

Department of Housing and Community Development

Language

**Language:**

Page 114, after line 46, insert:

"O. The Commission on Local Government will 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 will 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 will develop and include in its review potential recommendations to mitigate the fiscal impacts on local governments tied to these state tax exemption initiatives. The

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Commission will report its findings to the Governor, the Joint Subcommittee on Local Government Fiscal Stress, and the Chairs of the House Committee on Finance, and the House Committee on Appropriations and the Senate Committee on Finance and 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 government revenues and services and recommend potential options for mitigating fiscal impacts.)

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	FY20-21	FY21-22	
<b>Commerce and Trade</b>			
Department of Housing and Community Development	\$0	\$500,000	GF

Item 114 #5c

**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 provides an additional \$500,000 from the general fund the second year for the Industrial Revitalization Fund and designates 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.)

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	FY20-21	FY21-22	
<b>Commerce and Trade</b>			
Department of Housing and Community Development	\$0	\$294,000	GF

Item 114 #6c

**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".

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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.)

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	Item 114 #7c	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Housing and Community Development	\$0	(\$1,500,000) GF

**Language:**

Page 110, line 42, strike "\$128,538,362" and insert "\$127,038,362".  
Page 112, line 37, after "I." insert "1".  
Page 112, line 37, strike "\$3,500,000" and insert "\$2,000,000".  
Page 112, after line 39, insert:

"2. Out of the amounts provided in this paragraph, \$1,500,000 shall be used by the Department to support small businesses in order to assist with economic recovery from the COVID-19 pandemic. The Department may use these funds to support small, micro, and sole proprietor businesses, as well as women-owned and minority-owned businesses, the Community Business Launch program, and other such business support activities."

**Explanation:**

(This amendment provides an additional \$1.5 million from the general fund in fiscal year 2022

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for the Virginia Main Street program to assist with economic recovery from the COVID-19 pandemic and provide support for small Main Street businesses.)

Item 114 #8c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Housing and Community Development	\$0 0.00	\$10,000,000 3.00	GF 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 general funds appropriated in this paragraph constitute a one-time appropriation of funding to capitalize this program. 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 loans to small businesses adversely impacted by the COVID pandemic. In developing such guidelines, the Department shall consider prioritizing state funds for CDFIs, CDEs, and other such entities that do not receive federal funding made available from the Consolidated Appropriations Act, 2021 (P.L. 116-260). 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



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organization is intended to be a source of targeted lending and investment with the capacity to provide a high degree of leverage 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 a one-time appropriation of \$10.0 million from the general fund the second year to capitalize the Fund.)

---

Item 114 #9c

**Commerce and Trade**

Department of Housing and Community Development

Language

**Language:**

Page 113, line 8, after "private sector", insert:

", except as provided for in paragraph L.5. of this item, "

Page 113, after line 29, insert:

"5. The Department shall establish a one-year pilot program in which public broadband authorities may apply directly for Virginia Telecommunications Initiative funds without investment from the private sector. Such awards shall not exceed 10 percent of total available VATI funds in fiscal year 2022."

Page 113, strike lines 30 through 36.

**Explanation:**

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(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 fiscal year 2022, to which public broadband authorities may apply without investment from the private sector. This is the recommendation of the Broadband Advisory Council.)

---

Item 114 #10c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Housing and Community Development	\$0	\$500,000	GF

**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 provides \$500,000 from the general fund 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 115 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund the second year that was unallotted and subsequently reduced in the Enterprise Zone program.)

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Item 120 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 Senate Bill 481 (2020), which ultimately did not pass.)

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Item 120 #2c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Labor and Industry	\$300,000	\$0	GF

**Language:**

Page 116, line 14, strike "\$1,773,255" and insert "\$2,073,255".  
Page 117, after line 8, insert:

"C. Out of the amounts included in this appropriation, \$300,000 in the first year from the general fund is provided to support the labor law and state capital construction process workgroup and related infrastructure established in paragraphs L., F., and G. of Item 111 of this act. The funds may be used to hire outside consultants, or cover any additional costs that the Chief Workforce Development Advisor or new Secretariat created by House Bill 2321, 2021 General Assembly recommends to effectuate the provisions outlined in Item 111 in the aforementioned paragraphs. The Director of the Department of Planning and Budget is authorized to transfer the amounts contained in this paragraph to the Chief Workforce Development Advisor or new Secretariat created by House Bill 2321, 2021 General Assembly. These funds shall not revert back to the general fund at the end of the fiscal year. These funds shall not be used or otherwise obligated for any other purposes."

**Explanation:**

(This amendment provides \$300,000 in the first year from the general fund in one-time funding to support ongoing efforts to better understand workplace related violations on state capital

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construction projects and develop legislative and budgetary recommendations for the 2022 General Assembly Session. A companion amendment to Item 111 establishes the labor law and state capital construction process workgroup and related infrastructure. This workgroup shall be moved to a new secretariat pursuant to the passage of House Bill 2321, 2021 General Assembly, and the references to the workgroup contained in this amendment shall be updated upon enrolling.)

---

Item 124 #1c

**Commerce and Trade**

**FY20-21**

**FY21-22**

Department of Mines, Minerals and Energy

\$0

\$250,000 GF

**Language:**

Page 118, line 2, strike "\$29,447,002" and insert "\$29,697,002".

Page 118, after line 42, insert:

"G. Out of this appropriation, \$250,000 the second year from the general fund to study the health and environmental impacts of the mining of gold, pursuant to House Bill 2213 of the 2021 Session of the General Assembly."

**Explanation:**

(This amendment provides \$250,000 the second year from the general fund for the Department of Mines, Minerals, and Energy to study the health and environmental impacts of mining gold, pursuant to House Bill 2213.)

---

Item 125 #1c

**Commerce and Trade**

Department of Mines, Minerals and Energy

Language

**Language:**

Page 119, after line 23, insert:

"E. The Department of Mines, Minerals, and Energy (DMME) shall establish a work group to determine the feasibility and approach of creating a Virginia R-PACE program. The R-PACE work group shall assess the status and readiness of Federal regulations to support an R-PACE program; determine market interest, size, and potential volume for a Virginia R-PACE program; recommend draft legislation to facilitate program implementation and administration; and develop draft guidelines governing R-PACE loans in Virginia. DMME shall at least include the following stakeholders: the Virginia PACE Authority; the Virginia Bankers Association and other mortgage originators; the Virginia Realtors Association; PACE capital financing institution representative; solar energy contractor; and a representative of the homebuilding

industry representative. Additionally, the R-PACE work group shall solicit and evaluate written public comments. The Department shall provide a report detailing its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1, 2021."

**Explanation:**

(This amendment directs the Department of Mines, Minerals, and Energy to establish a work group to assess the feasibility of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program.)

---

Item 128 #1c

**Commerce and Trade**

Department of Small Business and Supplier Diversity

Language

**Language:**

Page 122, after line 37, insert:

"I. The Department shall develop and submit a detailed improvement plan for the Business One Stop. The plan should include the following for each statutory requirement: (i) a description of the purpose and benefit to small businesses; (ii) the cost of fully implementing and maintaining the requirement; (iii) the resources needed beyond those currently available to implement and maintain the requirement; and (iv) the Department's recommendation as to whether the requirement should be kept. The plan shall be provided to the House Labor and Commerce, and Appropriations Committees; and Senate Commerce and Labor, and Finance and Appropriations Committees no later than November 1, 2021."

**Explanation:**

(This amendment requires the Department of Small Business and Supplier Diversity to develop an improvement plan for the Business One Stop. This is a recommendation from the recent report on the Operations and Performance of the Department of Small Business and Supplier Diversity from the Joint Audit and Legislative Review Commission.)

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Item 128 #2c

**Commerce and Trade**

Department of Small Business and Supplier Diversity

Language

**Language:**

Page 122, after line 37, insert:

"I. Notwithstanding § 2.2-1604, Code of Virginia, any cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 of the Code of Virginia as a nonstock

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corporation that was certified as a small business by the Department of Small Business and Supplier Diversity prior to July 1, 2017, may be recertified as a small business by the Department, provided that such cooperative association otherwise meets the requirements for certification as a small business pursuant to Article 1 (§ 2.2-1603 et seq.) of Chapter 16.1 of Title 2.2 of the Code of Virginia and any other applicable provision of the Code of Virginia."

**Explanation:**

(This amendment provides that certain cooperative associations that were small business certified as of July 1, 2017, may be recertified. There are two cooperatives that would be able to seek small business recertification under this budget amendment.)

---

	Item 130 #1c		
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Economic Development Partnership	\$0	\$2,350,000	GF

**Language:**

Page 123, line 44, strike "\$40,302,309" and insert "\$42,652,309".

Page 124, line 49, strike the second "\$5,020,387" and insert "\$7,370,387".

**Explanation:**

(This amendment restores half of the funding previously appropriated for the talent solutions program at the Virginia Economic Development Partnership, bringing year two funding for the program to \$7.4 million.)

---

	Item 130 #2c
<b>Commerce and Trade</b>	
Virginia Economic Development Partnership	Language

**Language:**

Page 125, line 2, after "L." insert "1."

Page 125, after line 4, insert:

"2. Notwithstanding any provision of law, the Office of Labor Market Alignment (the Office) shall serve as a resource for education and workforce programs administered by state government to better inform programmatic decisions on workforce education and training. Additionally, the Office shall serve as a guide and resource for the Governor and the General Assembly in determining strategic education and workforce investments in current and future education and workforce training programs with a particular focus on those programs supported

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with state general fund dollars. The Office shall communicate relevant information in a clear and concise manner to better enable policy makers and decision makers to navigate the complex, often confusing connections between education and the labor market.

3. The Virginia Economic Development Partnership shall include in its annual report, due on November 1st of each year, an update on the activities of the Office of Labor Market and Alignment."

**Explanation:**

(This amendment clarifies language for the Office of Labor Market Alignment.)

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	Item 130 #3c	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>
Virginia Economic Development Partnership	\$0	\$1,100,000 GF

**Language:**

Page 123, line 44, strike "\$40,302,309" and insert "\$41,402,309".

Page 125, after line 4 insert:

"M. Out of the amounts in this Item, \$1,100,000 the second year from the general fund is provided to support implementation of Virginia's International Trade Plan. Out of the amounts provided in this paragraph, \$330,000 shall be used to increase Virginia's capacity to leverage federal trade funding, and \$370,000 shall be used to support businesses with supply chain security. The remaining funds shall be used to expand current trade programs managed by the Partnership including the Virginia Leaders in Export Trade program.

**Explanation:**

(This amendment provides support for Virginia's International Trade Plan (ITP), totaling \$1.1 million in the second year from the general fund. The ITP was developed by VEDP's Advisory Committee on International Trade.)

---

	Item 131 #1c	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>
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:**

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(This amendment removes \$6.8 million GF for an interest payment on federal cash advances for the state's unemployment insurance program. Provisions contained in the recent coronavirus stimulus package reduced Virginia's anticipated interest payment for September 2021 to \$750,000.)

---

Item 131 #2c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Employment Commission	\$0	\$300,000	GF

**Language:**

Page 125, line 13, strike "\$574,596,796" and insert "\$574,896,796".

Page 126, after line 19, insert:

"K. Out of the amounts in this Item, \$300,000 from the general fund in the second year is provided to support the completion of an actuarial study to determine the expected tax rate and other costs for implementing a Paid Family and Medical Leave Program in Virginia. The Commission shall submit the results of this study to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before the start of the 2022 General Assembly Session."

**Explanation:**

(This amendment provides \$300,000 from the general fund in the second year for the Virginia Employment Commission to complete an actuarial study to better understand the costs associated with the implementation of a Paid Family and Medical Leave program in Virginia. This is a recommendation of a recent study by the Chief Workforce Development Advisor on Paid Family and Medical Leave.)

---

Item 131 #3c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Employment Commission	\$0	\$18,973,959	GF
	0.00	5.00	FTE

**Language:**

Page 125, line 13, strike "\$574,596,796" and insert "\$593,570,755".

Page 126, after line 19, insert:

"K. Out of the amounts in this item, \$18,923,959 from the general fund in the second year is provided to reimburse the Unemployment Compensation Fund for any forgiven overpayments of state unemployment insurance benefits pursuant to the provisions of House Bill 2040, 2021 General Assembly. Of the amounts included in this paragraph, \$250,000 the second year from the general fund is provided to the Commission for administrative costs. The funding provided



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in this paragraph is contingent on the passage of House Bill 2040, 2021 General Assembly."

**Explanation:**

(This amendment provides \$18.9 million in the second year from the general fund to support costs for the Virginia Employment Commission to forgive the overpayment of benefits under certain conditions. House Bill 2040 requires any forgiveness of overpayments to be reimbursed from the general fund to the state's UI trust fund. This amendment provides \$18.7 million for the reimbursement provisions of the bill. It also includes \$250,000 from the general fund for administrative cost incurred by the Virginia Employment Commission.)

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Item 134 #1c

**Commerce and Trade**

Virginia Tourism Authority

Language

**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 Senate Bill 1399. This is a technical amendment.)

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Item 134 #2c

**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 Special Session I 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 Senate Bill 1398. This is the amount of estimated general fund revenue raised by sales tax imposed on accommodations fees.)

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Item 135 #1c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund 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 135 #2c

<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Innovation Partnership Authority	\$400,000	\$1,000,000	GF

**Language:**

Page 128, line 27, strike "\$50,700,000" and insert "\$51,100,000".

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

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

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

"; and (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."

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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 first year and \$1,000,000 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 increases general fund appropriations for the Commonwealth Center for Advanced Manufacturing (CCAM) by \$1.4 million over the biennium to attract federal research funds.)

---

Item 135 #3c

**Commerce and Trade**

Virginia Innovation Partnership Authority

Language

**Language:**

Page 132, strike lines 40 through 41.

Page 132, line 54, after "sites." strike remainder of the line.

Page 132, strike lines 55 through 57.

Page 133, strike line 1.

Page 133, line 2, strike "funds."

Page 133, after line 9, insert:

"3. Nothing shall prevent the Hub and certified Node sites from seeking matching funds for faculty recruitment and support for renovations and equipment from previous bond authorizations for higher education equipment or grant programs managed by the Authority, including but not limited to the Commonwealth Commercialization Fund. Certified institutions shall submit their funding request application to the Authority for review and authorization under the application procedures relevant for the program or bond authorization. After completing its review, VIPA shall approve or deny the request for an allocation of funds."

Page 133, line 10, strike "3" and insert "4".

**Explanation:**

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(This amendment clarifies language included for the Commonwealth Cyber Initiative and removes legacy budget language related to the Commonwealth Center for Advanced Manufacturing.)

---

Item 137 #1c

**Education**

Department of Education, Central Office Operations

Language

**Language:**

Page 139, after line 29, insert:

"Q. The Department of Education shall report on its progress in implementing the recommendations identified in the "Feasibility Study of Developing an Early Childhood Mental Health Consultation Program", as directed by House Joint Resolution 51 (2020), and identify any legislative, regulatory, budgetary, and other actions necessary to implement recommendations in such study. Such progress report shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2021."

**Explanation:**

(This amendment directs the Department of Education to submit a report on the implementation of an early childhood mental health consultation program, and identify any barriers to implementation that may be addressed through legislative, regulatory or budgetary action.)

---

Item 137 #2c

**Education**

**FY20-21**

**FY21-22**

Department of Education, Central Office Operations

\$0

\$52,458,428 NGF

**Language:**

Page 135, line 32, strike "\$210,095,373" and insert "\$262,553,801".

Page 139, after line 29, insert:

"Q. Out of this appropriation, \$52,458,428 the second year from the federal Child Care and Development Fund is provided to temporarily expand the Child Care Subsidy Program, pursuant to the passage of House Bill 2206 of 2021 Special Session I."

**Explanation:**

(This amendment appropriates \$52.5 million the second year from the federal Child Care and Development Fund (CCDF) to implement the provisions of House Bill 2206, which temporarily

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expands the Child Care Subsidy Program. Recently, additional CCDF funds became available to states through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (P.L. 116-260).

---

Item 137 #3c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Education, Central Office Operations	\$0	\$208,000	GF

**Language:**

Page 135, line 32, strike "\$210,095,373" and insert "\$210,303,373".

Page 139, after line 29, insert:

"Q. Out of this appropriations, \$208,000 the second year from the general fund is provided to integrate Virginia's Career and Technical Education curriculum database and information system into the state's learning management system."

**Explanation:**

(This amendment provides \$208,000 the second year from the general fund to replace Virginia's Career and Technical Education (CTE) curriculum database and content management system managed by the Virginia CTE Resource Center. The previous CTE database, VERSO, is no longer operable. The new system would be integrated into the state's learning management system and provide access for teachers, post-secondary institutions, families and business stakeholders to information including course competencies, credentials, workplace learning guides, career pathways and workplace readiness skills aligned to the Standards of Learning and the Profile of a Virginia Graduate.)

---

Item 137 #4c

**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 desired qualifications and training for school personnel providing health services in schools. The workgroup shall include at least: (i) three local school division representatives, including one superintendent; (ii) two members of a local school board; (iii) school personnel providing health services, including contracted personnel from a local health department, personnel with varying levels of nursing credentials, and personnel without nursing credentials; and (iv) two members of the Board of Education. The recommendations shall be

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submitted to the General Assembly no later than October 1, 2021. Such recommendations shall detail any necessary legislative or budgetary changes to implement the recommendations."

**Explanation:**

(This amendment directs the Superintendent of Public Instruction to convene a workgroup to make recommendations to the General Assembly on the required qualifications and training for school personnel providing health services in schools.)

---

Item 138 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Education, Central Office Operations	\$0	\$75,000	GF

**Language:**

Page 139, line 30, strike "\$17,352,182" and insert "\$17,427,182".

**Explanation:**

(This amendment provides \$75,000 the second year from the general fund as a one-time appropriation to implement provisions in House Bill 2299 and Senate Bill 1288 that direct the Department of Education to develop training modules for IEP team members.)

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Item 138 #2c

**Education**

Department of Education, Central Office Operations	Language
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**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 #3c

**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 139 #1c

**Education**

**FY20-21**

**FY21-22**

Department of Education, Central Office Operations

\$0

\$8,750,000 NGF

**Language:**

Page 141, line 15, strike "\$39,750,487" and insert "\$48,500,487".

Page 142, after line 3, insert:

"E. Out of this appropriation, \$8,750,000 the second year is appropriated from nongeneral funds for the purpose of developing the through year growth assessment system in grades 3-8, pursuant to the provisions in House Bill 2027 and Senate Bill 1357 of the 2021 Special Session I."

**Explanation:**

(This amendment provides \$8.8 million the second year from federal Elementary and Secondary

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School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to implement the provisions of House Bill 2027 and Senate Bill 1357 to restructure Standards of Learning assessments for mathematics and reading in grades 3-8 from a single end-of-year assessment to a growth assessment system that measures student progress above, at, and below grade level.)

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Item 140 #1c

**Education**

Department of Education, Central Office Operations

Language

**Language:**

Page 142, after line 24, insert:

"C. The Department of Education shall develop a plan to implement an effective and appropriately-resourced school improvement program. The plan should specify the activities necessary for its Office of School Quality to provide effective support to school divisions in the school improvement program, and the number of state staff and funding required to effectively implement the planned activities. The plan should also define performance measures that will be used to evaluate the effectiveness of the services its Office of School Quality provides to school divisions and how it will evaluate performance compared to those measures and make changes as needed to ensure ongoing effectiveness. The Department shall submit the plan for the state's more effective and appropriately-resourced school improvement program to the Board of Education and the Chairs of the House Education and Appropriations Committees and Senate Education and Health and Finance and Appropriations Committees no later than November 1, 2021."

**Explanation:**

(This language addresses recommendations 8, 9 and 10 from the JLARC report "Operations and Performance of the Virginia Department of Education".)

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Item 141 #1c

**Education**

**FY20-21**

**FY21-22**

Department of Education, Central  
Office Operations

\$0

(\$1,000,000) GF

**Language:**

Page 142, line 26, strike "\$9,051,100" and insert "\$8,051,100".

Page 142, line 40, strike "and \$1,000,000 the second year".

**Explanation:**



*Conference Report to House Bill 1800*

(This amendment converts funding for a statewide contract for digital content development, online learning, and related support services into a direct grant in Item 144 for WHRO to operate the eMediaVA statewide digital content and online learning system. There is a companion amendment in Item 144.)

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Item 141 #2c

**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.)

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Item 141 #3c

**Education**

**FY20-21**

**FY21-22**

Department of Education, Central  
Office Operations

\$0

\$7,000,000 NGF

**Language:**

Page 142, line 26, strike "\$9,051,100" and insert "\$16,051,100".

Page 143, after line 46, insert:

"F. Virtual Education Supports

Out of this appropriation, \$7,000,000 the second year is appropriated from federal Governor's Education Emergency Relief (GEER) funds from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) 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)."

**Explanation:**

(This amendment provides \$7.0 million the second year from federal Governor's Education

*Conference Report to House Bill 1800*

Emergency Relief funds authorized in 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.)

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Item 142 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Education, Central Office Operations	\$0	\$150,000	GF

**Language:**

Page 143, line 48, strike "\$2,739,430" and insert "\$2,889,430".

Page 144, after line 28, insert:

"G. Out of this appropriation, \$150,000 the second year from the general fund is provided one-time for the development of a training module for teachers seeking to renew a teaching license on the instruction of students with disabilities pursuant to passage of House Bill 2299 and Senate Bill 1288 of the 2021 Special Session I. The training shall include, at a minimum, strategies for differentiating instruction for students with disabilities, the role of the general education teacher in special education, the use of effective models of collaborative instruction, including co-teaching, and the goals and benefits of inclusive education for all students."

**Explanation:**

(This amendment provides \$150,000 the second year from the general fund as a one-time appropriation to develop a training module for teachers seeking to renew their teaching license on the instruction of students with disabilities pursuant to provisions included in House Bill 2299 and Senate Bill 1288. This amendment implements recommendation 16 from the 2020 JLARC report on "K-12 Special Education in Virginia".)

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Item 142 #2c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Education, Central Office Operations	\$0 0.00	\$395,991 3.00	GF FTE

**Language:**

Page 143, line 48, strike "\$2,739,430" and insert "\$3,135,421".

Page 144, after line 28, insert:

"G. Out of this appropriation, \$395,991 the second year from the general fund is provided to strengthen the Department of Education's role in helping school divisions with the most substantial teacher recruitment and retention challenges and to implement a statewide strategic

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plan for recruiting and retaining special education teachers."

**Explanation:**

(This amendment provides \$395,991 the second year from the general fund to establish three staff positions to expand the agency's teacher recruitment and retention efforts, including implementation of provisions in House Bill 2299 and Senate Bill 1288 related to development and implementation of a statewide strategic plan for recruiting and retaining special education teachers. This implements recommendation 19 from the 2020 JLARC report on "K-12 Special Education in Virginia" and policy option 4 from the 2020 JLARC report on the "Operations and Performance of VDOE".)

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Item 143 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Education, Central Office Operations	\$0	\$120,000	GF

**Language:**

Page 144, line 30, strike "\$22,466,177" and insert "\$22,586,177".

Page 146, after line 2, insert:

"J. Out of this appropriation, \$120,000 the second year from the general fund is provided for the Department of Education to develop and implement a pilot program to more comprehensively supervise school division compliance with a subset of key standards by requiring (i) the submission of more comprehensive compliance information, (ii) selective independent verification of compliance, (iii) monitoring of corrective action implementation, and (iv) analysis of compliance trends and issues. The Department shall conduct the pilot program during the 2021-2022 school year and submit a report on the results to the Board of Education and House Education and Appropriations Committees and Senate Education and Health and Finance and Appropriations Committees no later than November 30, 2022."

**Explanation:**

(This amendment provides \$120,000 the second year from the general fund as a one-time appropriation to implement recommendation 3 and policy option 1 from the 2020 JLARC report on "Operations and Performance of the Virginia Department of Education.")

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Item 144 #1c

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

**Language:**

*Conference Report to House Bill 1800*

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

Page 146, line 34, unstrike "Active Learning Grants".

Page 146, line 34, delete "\$0" and insert "\$250,000".

Page 156, after line 31, insert:

"KK. 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 the second year from the general fund to provide active learning grants. First year funding for this initiative was eliminated in Chapter 56, 2020 Special Session I.)

---

Item 144 #2c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$1,000,000	GF

**Language:**

Page 146, line 23, strike "\$43,069,426" and insert "\$44,069,426".

Page 148, after line 1, insert:

"eMediaVA \$0 \$1,000,000".

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$1,000,000 is provided from the general fund in the second year for the Hampton Roads Education Telecommunications Association's eMediaVA program for statewide digital content development, online learning, and related support services. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards. The eMedia VA program shall incorporate consultation with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth."

**Explanation:**

*Conference Report to House Bill 1800*

(This amendment converts funding in Item 141 for a statewide contract for digital content development, online learning, and related support services into a direct grant for WHRO to operate the eMediaVA statewide digital content and online learning system. There is a companion amendment in Item 141.)

---

Item 144 #3c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$350,000	GF

**Language:**

Page 146, line 23, strike "\$43,069,426" and insert "\$43,419,426".

Page 146, line 39, strike "\$0" and insert "\$350,000".

Page 156, line 32, after "year" insert:

"and \$350,000 the second year".

**Explanation:**

(This amendment restores \$350,000 the second year from the general fund to support educational programming produced by Blue Ridge PBS.)

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Item 144 #4c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund 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.)

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Item 144 #5c

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

**Language:**

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

*Conference Report to House Bill 1800*

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. 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 the second year from the general fund 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.)

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Item 145 #1c

**Education**

**FY20-21**

**FY21-22**

Direct Aid to Public Education

\$0

\$1,999,999 GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,860,640,120".

Page 158, line 47, strike "\$133,057,800" and insert "\$135,057,799".

Page 159, line 41, strike "\$97,331,981" and insert "\$95,331,982".

Page 160, after line 16, insert:

"Supplemental Support for Accomack & Northampton \$0 \$2,000,000".

Page 198, after line 4, insert:

"45. Supplemental Support for Accomack & Northampton

*Conference Report to House Bill 1800*

An additional state payment of \$2,000,000 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, including adjustments to salary scales to minimize misalignment to salary scales of adjacent counties. Disbursement of these funds is contingent on the division providing the required local share of a 5.0 percent compensation supplement included in paragraph C. 44."

**Explanation:**

(This amendment provides \$2.0 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. These funds are contingent on the local school division providing the full 5.0 percent compensation supplement.)

Item 145 #2c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$49,494,567	GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,908,134,688".

Page 161, line 7, strike "school nurses,".

Page 161, strike lines 11 through 15.

Page 172, line 14, after "Act.", insert:

"Beginning in the second year, such methodology shall not apply to specialized student support positions due to the establishment of a staffing standard for such positions, pursuant to Senate Bill 1257, 2021 Special Session I."

**Explanation:**

(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, include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.)

Item 145 #3c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$1,200,000	GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,859,840,121".

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Page 159, after line 23, insert:

"Alleghany County - Covington City School Division Consolidation Incentive \$0 \$1,200,000"

Page 198, after line 24, insert:

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

Out of this appropriation, \$1,200,000 the second year from the general fund is provided as an incentive for the consolidation of the Alleghany County and Covington City school divisions. This incentive payment represents the first two installments of five \$600,000 payments as recommended for this consolidation incentive through the methodology contained in the Study on School Division Joint Contracting Incentives (Report Document 548, 2016). Beginning in fiscal year 2023 through fiscal year 2025, \$600,000 shall be provided each fiscal year as the incentive payment, with no adjustments."

**Explanation:**

(This amendment provides \$1.2 million the second year from the general fund as an incentive for the Alleghany County and Covington City school divisions to consolidate, to be followed by three payments of \$600,000 in the three subsequent fiscal years. The Board of Education approved the consolidation of these divisions to be effective July 1, 2022.)

Item 145 #4c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 the first year from the general fund from the undistributed balance in the Virginia Preschool Initiative program after updating final participation. The introduced budget retained \$21.0 million from the general fund 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 #5c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
Direct Aid to Public Education	\$145,636	\$0 GF



*Conference Report to House Bill 1800*

**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 technical amendment provides \$145,636 the first year from the general fund for updating student enrollment at A. Linwood Holton Governor's School.)

---

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

Item 145 #6c

**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 from the general fund 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.)

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<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	(\$2,784,140)	GF

Item 145 #7c

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,855,855,981".  
Page 170, line 9, strike "*and the counties of Accomack and Northampton*".  
Page 170, line 17, strike "*and the counties of Accomack and Northampton*".  
Page 170, line 21, 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 #8c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$39,999,978	\$0	GF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,762,644,529".

Page 158, line 47, strike "\$70,914,683" and insert "\$110,914,661".

Page 159, line 41, strike "\$106,171,982" and insert "\$66,172,004".

Page 160, after line 16, insert:

"Learning Loss Instructional Supports \$39,999,970 \$0".

Page 198, after line 4, insert:

"45. Learning Loss Instructional Supports

An additional state payment estimated at \$39,999,970 the first year from the Lottery Proceeds Fund shall be disbursed to support the state share of \$156.54 per pupil the first 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. No local match is required to receive these state funds, and unexpended funds from the first year shall remain available in the second year.

School divisions are required to spend these payments on eligible programs, including: (i) extending the school year, (ii) summer school, (iii) tutoring, remediation and recovery, and supplemental afterschool programs, (vi) counseling and other student supports, (v) assessments to determine student progress and the need for access to these programs, (vi) other similar programs, and (vii) modifications to facilities to assist with COVID-19 mitigation strategies for in-person learning."

**Explanation:**

(This amendment provides \$40.0 million from the Lottery Proceeds Fund the first year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year shall remain available in the second year.)

Item 145 #9c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	(\$36,000,000)	(\$40,000,000)	GF
	\$36,000,000	\$40,000,000	NGF

**Language:**

Page 159, line 18, strike "\$299,373,461" and "\$214,167,967" and insert:

"\$263,373,461" and "\$174,167,967".

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Page 196, line 38, strike "\$299,373,461" and insert "\$263,373,461".

Page 196, line 38, strike "\$214,167,967" and insert "\$174,167,967".

Page 196, line 39, after "fund" insert:

"and \$36,000,000 the first year and \$40,000,000 the second year from the COVID-19 Relief Fund established in § 2.2-115.1, Code of Virginia".

**Explanation:**

(This amendment supplants \$36.0 million the first year and \$40.0 million the second year from the general fund provided for No Loss Payments with gray machine revenues.)

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Item 145 #10c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$120,000	GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,858,760,121".

Page 159, after line 22, insert:

"Albuterol and Valved Holding Chambers \$0 \$120,000".

Page 198, after line 4, insert:

"45. Out of this appropriation, \$120,000 the second year from the general fund is allocated to support the purchase of albuterol and valved holding chambers in the public schools of the Commonwealth."

**Explanation:**

(This amendment provides \$120,000 the second year from the general fund to support the purchase of albuterol and spacers for public schools in Virginia. House Bill 2019 will require undesignated stock albuterol inhalers to be maintained in every public school.)

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Item 145 #11c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$153,559,817	GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$8,012,199,938".

Page 158, strike line 43, and insert:

"Compensation Supplement \$0 \$234,497,134".

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

"6) Out of the appropriation included in paragraph C.44. of this item, \$759,098 the second year from the Lottery Proceeds Fund are provided for a compensation supplement payment of up to

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5.0 percent of base pay on July 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, \$1,046,023 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 of up to 5.0 percent of base pay on July 1, 2021, for Academic Year Governor's School instructional and support positions."

Page 197, strike lines 33 through 52.

Page 198, strike line 1, and insert:

"44. Compensation Supplement

a. Out of this appropriation, \$233,738,033 the second year from the general fund and \$759,098 the second year from the Lottery Proceeds Fund is provided for the state share of a payment of up to a 5.0 percent salary increase effective July 1, 2021, for 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 \$1,046,023 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 \$759,098 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 of the following salary increases for 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 5.0 percent during the biennium. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of up to a 5.0 percent salary increase the second year for funded SOQ instructional and support positions, effective July 1, 2021, to school divisions that certify to the Department of Education the average salary increase that has been or will have been provided during the 2020-2022 biennium 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 July 1, 2021, as the basis for the local match requirement for both funded SOQ instructional and support positions.

c. The state share of funding provided to a school division in support of this compensation supplement shall be prorated for school divisions that provide less than an average 5.0 percent salary increase during the biennium; however, to access these funds, a school division must provide at least an average 2.0 percent salary increase during the biennium.

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

**Explanation:**

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(This amendment provides \$233.7 million the second year from the general fund and \$759,098 the second year from the Lottery Proceeds fund to provide a 5.0 percent salary increase, effective July 1, 2021. This represents an addition of \$153.6 million the second year, to the convert the 2.0 percent bonus payment that was proposed in the budget as introduced to a 5.0 percent salary increase. To access these funds, each school division must provide at least an average 2.0 percent pay increase during the 2020-22 biennium, and funding provided is prorated for school divisions providing between 2.0 percent and 5.0 percent pay increases over the biennium.)

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Item 145 #12c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$14,574,679	GF

**Language:**

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,873,214,800".  
Page 170, line 22, strike "10.6" and insert "18.0".

**Explanation:**

(This amendment provides \$14.6 million the second year from the general fund to increase the Cost of Competing Adjustment (COCA) for support positions in the school divisions in Planning District 8 and certain adjacent divisions specified in the Appropriation Act that are eligible to receive COCA funds. For the nine Planning District 8 school divisions, this action would increase the adjustment factor from 10.6 to 18.0 percent. For the nine adjacent school divisions, this action would increase the adjustment factor from 2.65 to 4.5 percent. This restores and expands funding that was eliminated in Chapter 56, 2020 Special Session I that would have increased the adjustment factors from 10.6 to 16.0 percent and 2.65 to 4.0 percent.)

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Item 145 #13c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$20,108,672	\$9,919,466	GF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,742,753,223".  
Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,868,559,587".  
Page 158, line 47, strike "\$70,914,683" and "\$133,057,800" and insert: "\$91,023,355" and "\$142,977,266".  
Page 159, line 41, strike "\$106,171,982" and "\$97,331,981" and insert: "\$86,063,310" and "\$87,412,515".

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Page 160, line 4, strike "\$263,183,697" and "\$266,441,807" and insert: "\$283,292,369" and "\$276,361,273".

Page 173, line 13, strike "\$70,914,683" and insert: "\$91,023,355".

Page 173, line 14, strike "\$133,057,800" and insert: "\$142,977,266".

Page 173, line 15, strike "\$106,171,982" and "\$97,331,981" and insert: "\$86,063,310" and "\$87,412,515".

Page 194, line 43, strike "\$263,183,697" and insert: "\$283,292,369".

Page 194, line 44, strike "\$266,441,807" and insert: "\$276,361,273".

Page 194, line 46, strike "\$388.24" and "\$391.61" and insert: "\$417.91" and "\$406.19".

**Explanation:**

(This amendment adds \$20.1 million the first year and \$9.9 million the second year from the general fund to ensure 40 percent of Lottery Proceeds are dedicated to Infrastructure and Operations Per Pupil Payments, formerly known as Supplemental Lottery Per Pupil Allocations. The additional funding increases these Per Pupil Payments by approximately \$30 per pupil the first year and \$15 per pupil the second year.)

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Item 145 #14c

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 186, line 15, after "Item", insert:

"The Department of Education shall prioritize serving at-risk four-year-old children when executing the flexibility provisions in this paragraph."

**Explanation:**

(This amendment requires the Department of Education to prioritize serving at-risk four-year-old children when reallocating funds among components of the Virginia Preschool Initiative, such as the community provider add-on, and the at-risk three-year-old pilot program.)

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Item 145 #15c

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 188, line 6, after "c." insert "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 a lead teacher in lieu of a full-time principal 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 such 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, the President of the Virginia Juvenile Detention Association or his/her designee, the Chair of the Virginia Commission on Youth or his/her designee, and other representatives the Board deems appropriate. Findings and recommendations shall be reported to the Chairs of 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 is a Commission on Youth recommendation.)

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Item 145 #16c

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 191, line 18, strike "and".

Page 191, line 19, after "meetings", insert:

", and such goals and plan shall be published on the school's website".

Page 191, line 20, after "plan", insert:

", and such report shall be published on the school's website".

**Explanation:**

(This amendment requires each Academic Year Governor's School to post their diversity goals and implementation plans, and related annual progress reports to their websites. In 2020, language was added to the Appropriation Act requiring Academic Year Governor's Schools to: (i) establish diversity goals for its student body and faculty; (ii) to develop a plan to meet such goals; and (iii) provide an annual progress report to the Governor including information about admissions processes, outreach and demographics; however, no requirement was included to make such information easily accessible to the public.)

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Item 145 #17c

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 169, after line 27, insert:

"31. Beginning in the second year, multidivision online providers, as defined in § 22.1-212.23, Code of Virginia, shall provide certain data as prescribed by the Department of Education related to students enrolled through a contract between such a provider and a school division, including such students who do not reside in the school division that is party to the contract. Such data shall include, but is not limited to, enrollment, which shall be disaggregated by serving school, demographics, attendance, achievement, and achievement gaps, and be transmitted in a format prescribed by the Department. The Department shall report such data annually through the School Quality Profiles in a manner that clearly disaggregates and communicates school quality information related to (i) the students that do not reside in the school division and are served through the contract, and (ii) all other students."

**Explanation:**

(This amendment directs the Department of Education to present information on its School Quality Profiles in a manner that does not commingle (i) students enrolled in a school through a multidivision online provider and residing outside of the enrolling school division, and (ii) all



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other students. This would ensure that the public reporting information for traditional public schools accurately reflects the student body that physically attends such traditional public schools.)

Item 145 #18c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$39,990,901	\$45,709,893	GF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,762,635,452".  
 Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,904,350,014".  
 Page 158, line 16, strike "\$3,517,523,967" and insert "\$3,467,114,868".  
 Page 158, line 16, strike "\$3,535,568,275" and insert "\$3,478,078,168".  
 Page 158, line 18, strike "\$1,422,100,000" and insert "\$1,512,500,000".  
 Page 158, line 18, strike "\$1,459,800,000" and insert "\$1,563,000,000".  
 Page 171, line 40, strike "\$394,400,000" and insert "\$421,600,000".  
 Page 171, line 41, strike "\$405,100,000" and insert "\$433,800,000".  
 Page 171, line 48, strike "\$263,000,000" and insert "\$281,000,000".  
 Page 171, line 48, strike "\$270,100,000" and insert "\$289,200,000".  
 Page 172, line 2, strike "\$131,500,000" and insert "\$140,500,000".  
 Page 172, line 2, strike "\$135,000,000" and insert "\$144,600,000".

**Explanation:**

(This amendment provides an additional \$40.0 million from the general fund in fiscal year 2021 and \$45.7 million from the general fund in fiscal year 2022 based on the revised sales tax distributions in the midsession reforecast. This increases the estimated sales tax dedicated to K-12 by \$90.4 million in fiscal year 2021 and \$103.2 million in fiscal year 2022, reducing the state's share of Basic Aid payments by \$50.4 million from the general fund in fiscal year 2021 and \$57.5 million in fiscal year 2022. Corresponding amendments reduce the COVID-19 Local Relief Payments and adjust the No Loss Payments as a result of this action.)

Item 145 #19c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	(\$39,990,903)	\$0	GF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,682,653,648".  
 Page 159, line 23, strike "\$52,901,159" and insert "\$12,910,256".  
 Page 197, line 16, strike "\$52,901,159" and insert "\$12,910,256".

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Page 197, line 24, strike "the 2020-2022".

Page 197, strike line 25 and insert:  
", this item, and".

Page 197, strike lines 30 through 32 and insert:

"d. It is the intent of the General Assembly that the final COVID-19 Local Relief Payments be updated for actual sales tax distributions to school divisions through the final June monthly distribution in fiscal year 2021."

**Explanation:**

(This amendment reduces the COVID-19 Local Relief Payments by \$40.0 million from the general fund the first year based on the net impact of the midsession sales tax reforecast. These payments were provided in Chapter 56, 2020 Special Session I Acts of Assembly to eliminate the local impact from the reduction of sales tax revenues. Due to the increase in sales tax estimates, the remaining COVID-19 Local Relief Payments total \$12.9 million the first year from the general fund.)

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Item 145 #20c

**Education**

**FY20-21**

**FY21-22**

Direct Aid to Public Education

(\$20,730,504)

(\$49,832,441) GF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,701,914,047".

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,808,807,680".

Page 159, line 18, strike "\$299,373,461" and insert "\$278,642,957".

Page 159, line 18, strike "\$214,167,967" and insert "\$164,335,526".

Page 196, line 38, strike "\$299,373,461" and insert "\$278,642,957".

Page 196, line 38, strike "\$214,167,967" and insert "\$164,335,526".

Page 196, line 44, strike "2020 calendar year" and insert "2020-2022 biennium".

Page 196, line 46, after "Item.", insert "In both fiscal years, such payments shall be updated for technical updates to Direct Aid student enrollments and program participation, as well as any increased revenue distributions."

**Explanation:**

(This amendment adjusts the funding for No Loss Payments as proposed in the introduced budget, based upon other actions, including the sales tax update, increased Infrastructure and Operations Per Pupil Payments, and technical updates.)

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Item 145 #21c

**Education**

**FY20-21**

**FY21-22**

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Direct Aid to Public Education	(\$23,199,994)	\$0	GF
	\$23,200,000	\$0	NGF

**Language:**

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,722,644,557".  
 Page 158, line 47, strike "\$70,914,683" and insert "\$47,714,689".  
 Page 159, line 25, strike "\$539,221,986" and insert "\$516,021,992".  
 Page 159, line 41, strike "\$106,171,982" and insert "\$129,371,982".  
 Page 160, line 18, strike "\$685,031,123" and insert "\$708,231,123".  
 Page 168, line 24, strike "\$685,031,123" and insert "\$708,231,123".  
 Page 173, line 13, strike "\$70,914,683" and insert "\$47,714,689".  
 Page 173, line 14, strike "\$106,171,982" and insert "\$129,371,982".

**Explanation:**

(This amendment adjusts the Lottery Proceeds forecast to \$708.2 million the first year, representing an increase of \$23.2 million.)

Item 146 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$6,500,000	NGF

**Language:**

Page 198, line 5, strike "\$1,066,525,233" and insert "\$1,073,025,233".  
 Page 198, after line 24, insert:

"d. Temporary Extension of Special Education Eligibility

1. Out of this appropriation, \$6,500,000 the second year from federal Elementary and Secondary School Emergency Relief funds are provided to support the state's share of costs for school divisions to provide one additional year of high school attendance for students with disabilities as provided in paragraph 2 below.

2. Notwithstanding the provisions of § 22.1-213 of the Code of Virginia or 8VAC20-81-10 of the Virginia Administrative Code or any other provision of law to the contrary, any student with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 shall be given the option for an extension to attend high school for the duration of the 2021–22 school year.

3. Payments to school divisions shall provide (i) an amount equal to the state's share of basic aid funding for any such student based on the composite index of local ability-to-pay, and (ii) an amount equal to the federal Individuals with Disabilities Education Act funding that the school division would have received if such student were eligible to receive a free appropriate public education under federal law.

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4. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay."

Page 199, after line 9, insert:

"Elementary and Secondary School Emergency Relief \$0 \$6,500,000".

**Explanation:**

(This amendment provides one additional year of education for students with disabilities who were 19 years of age or older and enrolled during the 2020-21 school year. The amendment provides \$6.5 million the second year from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to address the state share of per-pupil costs and costs that do not qualify under the federal Individuals with Disabilities Education Act.)

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Item 146 #2c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Direct Aid to Public Education	\$0	\$30,000,000	NGF

**Language:**

Page 198, line 5, strike "\$1,066,525,233" and insert "\$1,096,525,233".

Page 198, after line 24, insert:

"d. Out of this appropriation, \$30,000,000 the second year is provided from federal Elementary and Secondary School Emergency Relief funds for grants to school divisions and other appropriate entities to address learning loss, remediation and recovery, and other student support needs related to the impact of COVID-19 on the public education system. Grants shall be awarded by the Department of Education, in consultation with a stakeholder workgroup convened to focus on remediation and recovery needs."

Page 199, after line 9, insert:

"Elementary and Secondary School Emergency Relief \$0 \$30,000,000".

**Explanation:**

(This amendment appropriates \$30.0 million the second year from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to provide grants to address COVID-19 related learning loss and other student support needs.)

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Item 150 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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State Council of Higher Education for Virginia	\$0	\$600,000	GF
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**Language:**

Page 200, line 26, strike "\$105,568,934" and insert "\$106,168,934".  
 Page 202, line 10, strike "are not eligible to receive awards" and insert:  
 "are eligible to receive awards up to \$2,000".

**Explanation:**

(This amendment provides additional general fund to increase the tuition assistance grant (VTAG) award to reinstate student eligibility for a VTAG award for online and distance education programs at an amount reflective of the lower cost to deliver such programs.)

Item 150 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 "\$1,980,000" and insert "\$2,130,000".  
 Page 202, line 26, strike the second "\$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 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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".

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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 from the general fund the second year provided during the 2020 regular session for SCHEV to implement the Guidance to Postsecondary Success (GPS) program. 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.)

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	Item 152 #1s	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
State Council of Higher Education for Virginia	\$0	\$1,300,000 GF

**Language:**

Page 205, line 6, strike "\$18,335,818" and insert "\$19,635,818".

Page 206, line 46, strike "\$700,000" and insert "\$2,000,000".

**Explanation:**

(This amendment restores funds to support the Innovative Internship Fund and Program. The funds will go to advancing the role of internships in post-secondary education, and to improve access and affordability to internship opportunities for students, including (1) consistency in the delivery of internship programs within and across institutions and the ability to bring experiential learning to scale equitably, 2) creation of a vision at institutions that experiential learning is integral (not extra), 3) development of readiness materials and information for new programs to support quality, 4) growth of new business partnerships, 5) improved affordability for students, and 6) improving and leveraging federal work-study opportunities through

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redesigned work-study internship experiences. The Innovative Internship Fund and Program was created during the 2018 Session to support institutional grants and a statewide initiative to facilitate the readiness of students, employers, and institutions of higher education to participate in internship and other work-related learning opportunities.)

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Item 152 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund for SCHEV to develop and maintain an application portal related to implementation of legislation in the 2021 Session, 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.)

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Item 152 #3c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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

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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, including a detailed cost analysis of Virginia institutions and peer institutions; (2) measures of efficiency and effectiveness, including identifying opportunities for mitigating costs, increasing financial efficiencies, and incorporating current best practices employed by Virginia institutions and other institutions, nationwide; (3) provisions for any new reporting requirements, including a possible periodic review of cost data and strategies employed to implement efficient and effective operational practices; (4) strategies to allocate limited public resources based on outcomes that align with state needs related to affordability, access, completion, and workforce alignment, and the impact on tuition and 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. Any such review and assessment shall consider the mix of programs, mission, enrollment level, and other characteristics of Virginia's public institutions of higher education.

4. The Council shall submit 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.)

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Item 152 #4c

**Higher 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 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 160 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
The College of William and Mary in Virginia	\$0	\$700,000	GF
	0.00	3.00	FTE

**Language:**

Page 211, line 24, strike "\$227,490,351" and insert "\$228,190,351".

**Explanation:**

(This amendment provides additional funding at the College of William and Mary to help grow the pipeline of underrepresented minority faculty and postdoctoral researchers in the data science field. Growth of a diverse faculty is essential to the program meeting its full potential to advance social mobility in Virginia in this high impact field. William and Mary recognizes that the key to improving diversity throughout the data science field lies with focused investments in underrepresented minority faculty and researchers. The university's strong growth potential in data science is amplified by its interest and intent to work with partners like the Virginia

Economic Development Partnership to meet the growing demands of industry and government stakeholders within the Commonwealth. A diverse faculty will stimulate innovation and embolden study by low-income and first-generation students, students of color, veterans, and others long excluded from technology industries.)

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Item 164 #1c

**Higher Education**

Richard Bland College

Language

**Language:**

Page 214, strike line 47, and insert:

"In order to advance the goals of the Commonwealth of Virginia, the Virginia Plan for Higher Education and Richard Bland College,".

Page 214, line 48, strike "education,".

Page 214, line 50, strike "experiential learning, stackable credentials," and insert:  
"work-based learning".

Page 214, line 51, after "programs" strike the remainder of the line and insert:

"that lead to high-demand fields and industries critical to the economic development of the Petersburg region and Virginia. In addition, Richard Bland College may:".

Page 214, strike line 52.

Page 215, strike lines 1 through 5.

Page 215, after line 5, insert:

"1. Continue to explore new and expanded partnership opportunities with the College of William and Mary as well as identify potential new higher education partners to pursue shared services and other options for cost reduction and increased efficiencies for any non-core business functions of the college. Unitization of shared services functions in the areas of Collections, Enterprise Resource Program (ERP), Procurement, and Accounts Payable will reduce overhead expenses and enable re-investment in the College's core business;

2. Identify higher education partners to strategically merge and align academic programming to advance the credential and completion goals outlined in the Virginia Plan for Higher Education;".

Page 215, line 6, strike "1." and insert "3."

Page 215, strike lines 14 through 22.

Page 215, strike lines 33 through 41.

Page 215, after line 41, insert:

"6. The President of Richard Bland College shall submit a report on the institution's progress in exploring and expanding partnership opportunities for shared services and academic programming with other higher education partners to the Chairs of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than July 1 of each

year."

**Explanation:**

(This amendment updates and makes some technical revisions to the authority Richard Bland College has to explore innovative partnerships and solutions in order to enhance educational opportunities for traditional and non-traditional students.)

Item 168 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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

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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.)

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Item 175 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
James Madison University	\$0	\$4,000,000	GF

**Language:**

Page 222, line 41, strike "\$343,368,529" and insert "\$347,368,529".

**Explanation:**

(This amendment provides additional general fund to support in-state undergraduate enrollment growth and address the disparities of general fund support per in-state student relative to other public institutions.)

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Item 183 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Norfolk State University	\$0	\$2,500,000	GF

**Language:**

Page 227, line 13, strike "\$100,293,110" and insert "\$102,793,110".

**Explanation:**

(This amendment provides \$2,500,000 in the second year from the general fund designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University.)

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Item 184 #1c

<b>Higher Education</b>	
Norfolk State University	Language

**Language:**

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.

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**Explanation:**

(The amendment provides for the release of first year funding by removing existing language that required certain approvals prior to release of the funding.)

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Item 187 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Old Dominion University	\$0	\$2,500,000	GF

**Language:**

Page 230, line 6, strike "\$326,951,395" and insert "\$329,451,395".

**Explanation:**

(This amendment provides \$2,500,000 in the second year from the general fund designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University.)

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Item 191 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Radford University	\$0	\$8,000,000	GF

**Language:**

Page 233, line 41, strike "\$135,081,721" and insert "\$143,081,721".

**Explanation:**

(This amendment provides additional funding for operating support to further reduce tuition and fees for Virginians attending RUC to close the differential gap in tuition between the two campus sites. Increased investment by the Commonwealth would 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.)

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Item 196 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund 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.)

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		Item 205 #1c	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
University of Virginia	\$0	\$2,500,000	GF

**Language:**

Page 241, line 48, strike "\$578,028,122" and insert "\$580,528,122".

Page 242, line 12, strike the second "\$4,162,634" and insert "\$6,662,634".

**Explanation:**

(This amendment provides additional funding to support cancer research at the University of Virginia.)

---

		Item 205 #2c	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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:**

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(This amendment defers a proposed increase in research consistent with Chapter 1289, 2020 Session of the General Assembly.)

---

Item 210 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
University of Virginia's College at Wise	\$0	\$810,912	GF

**Language:**

Page 244, line 6, strike "\$30,619,387" and insert "\$31,430,299".

**Explanation:**

(This amendment provides funds to expand the UVA Wise Nursing Program and provide expedited access to additional highly skilled health care providers. UVA Wise is proposing to partner with the University of Virginia's College of Nursing to bring their Family Nurse Practitioner (FNP) program to Wise. By delivering this program jointly it will expedite quicker program implementation, and bring a nationally renowned program in a "hands-on" rural setting at a less expensive cost than developing this needed program independently.)

---

Item 214 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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, \$192,793 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 \$192,793 from the general fund 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

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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 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 fiscal year 2022 to the Virginia Center on Aging that was removed in the 2020 Special Session, and provides clarifying language.)

Item 216 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Commonwealth University	(\$2,500,000)	\$0	GF

**Language:**

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

Page 249, line 39, strike "\$17,500,000" and insert "\$15,000,000".

**Explanation:**

(This amendment defers the first year increase in research.)

Item 220 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Community College System	\$1,000,000	\$0	GF

**Language:**



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Page 251, line 14, strike "\$933,248,443" and insert "\$934,248,443".  
Page 253, unstrike lines 38 through 41.

**Explanation:**

(This amendment provides \$1.0 million from the general fund for HIVE (Hub for Innovation, Virtual Reality & Entrepreneurship), a technology center and higher-education partnership between Shenandoah University and Lord Fairfax Community College, serving a community that needs Career and Technical Education for a diverse and under-served region that currently lack access.)

---

Item 220 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Community College System	\$0	\$296,314	GF

**Language:**

Page 251, line 14, strike "\$939,748,443" and insert "\$940,044,757".  
Page 254, after line 11, insert:

"AA. Out of this appropriation, \$296,314 the second year from the general fund is designated for Southside Virginia Community College to implement the Solar Hands-On Instructional Network of Excellence (SHINE) workforce program."

**Explanation:**

(This amendment provides funding for Southside Virginia Community College to implement the Solar Hands-On Instructional Network of Excellence (SHINE) initiative. The initiative is a public-private partnership that provides training for those seeking employment opportunities in the solar industry. The program identifies the timing and location of solar project development in Virginia and uses that information to focus its training toward job openings as they become available. This targeted approach to workforce training/development maximizes SHINE's ability to connect program graduates with sought-after jobs upon completion of the program.)

---

Item 220 #3c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Community College System	\$0	\$1,000,000	GF

**Language:**

Page 251, line 14, strike "\$939,748,443" and insert "\$940,748,443".  
Page 254, after line 11, insert:

"AA. Out of this appropriation, \$1,000,000 the second year from the general fund is designated

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for health science and technology education at Virginia Western, New River and Dabney S. Lancaster Community Colleges."

**Explanation:**

(This amendment provides funding to support expansion of a program between Roanoke City, Roanoke County and Botetourt County Public Schools, Virginia Western Community College, Dabney S. Lancaster Community College, New River Community College, Radford University Carilion, and regional healthcare employers that creates a pipeline of high school students to address employer needs. All school divisions in the service region of each community college are participating in this program's curriculum.)

Item 220 #4c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Community College System	\$0	\$413,689	GF

**Language:**

Page 251, line 14, strike "\$939,748,443" and insert "\$940,162,132".

Page 254, unstrike lines 2 through 6.

Page 254, line 2, strike "\$385,177" and insert "\$413,689".

**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 #5c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Community College System	\$0	\$2,500,000	GF
	0.00	30.00	FTE

**Language:**

Page 251, line 14, strike "\$939,748,443" and insert "\$942,248,443".

Page 254, line 9, strike "\$1,500,000" and insert "\$4,000,000".

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

**Explanation:**

(This amendment provides \$2.5 million from the general fund for Virginia community colleges to hire 30 additional advisors to assist students in identifying appropriate programs, resources and support related to the G3 initiative.)

**Higher Education**

Virginia Community College System

Language

**Language:**

Page 254, line 49, after "field", strike the remainder of the line and insert "."

Page 254, strike lines 50 through 53 and insert:

"A high-demand field means a discipline or field in which there is a shortage of skilled workers to fill current and anticipated additional job vacancies."

Page 254, unstrike line 54.

Page 255, unstrike lines 1 through 55.

Page 256, unstrike lines 1 through 55.

Page 257, unstrike lines 1 through 56.

Page 258, unstrike lines 1 through 27.

Page 258, line 28, after "2.", insert:

"a. The Virginia Board of Workforce Development, in consultation with the System, the Council, and the staffs of the House Committee on Appropriations and Senate Committee on Finance and Appropriations, shall make recommendations to the Governor and General Assembly, no later than December 1 of each year, for additions or other changes to the high-demand fields that qualify for financial assistance under the G3 Program."

Page 258, unstrike lines 34 through 36.

Page 258, strike lines 37 through 43.

Page 258, after line 53, insert:

"d. 1) In addition, healthcare workers, first responders and other essential workers as defined under Phase 1a and 1b of the Center for Disease Control (CDC) and Virginia Department of Health (VDH) and that are serving in the frontline of the COVID-19 pandemic shall, subject to the provisions of paragraph D.1. of this item, be eligible for programs offered under the G-3 initiative that enhance or upgrade their skills at no cost during the period that is covered under the state of emergency and for two years thereafter."

**Explanation:**

(This amendment makes technical changes consistent with House Bill 2204 and provides training and programs under the G3 initiative free to healthcare workers, first responders and other essential workers as defined under Phase 1a and 1b of the Center for Disease Control (CDC) and Virginia Department of Health (VDH) and that are serving in the frontline of the COVID-19 pandemic while Virginia remains in a state of emergency for the pandemic and for two years thereafter.)

---

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<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Military Institute	\$0	\$103,048	GF
	0.00	1.00	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.)

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Item 226 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

---

Item 234 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Polytechnic Institute and State University	\$0	\$150,000	GF

**Language:**

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Page 268, line 30, strike "\$2,757,350" and insert "\$2,907,350".

**Explanation:**

(This amendment provides additional general fund to address funding per cadet difference at the Virginia Tech Corps of Cadets compared to VMI.)

---

Item 236 #1c

**Higher Education**

**FY20-21**

**FY21-22**

Virginia Cooperative Extension and  
Agricultural Experiment Station

\$0

\$1,000,000 GF

**Language:**

Page 269, line 15, strike "\$93,864,832" and insert "\$94,864,832".

Page 269, after line 47, insert:

"F. Out of this appropriation, \$1,000,000 the second year from the general fund is designated to support extension programs for the on-going costs of internet connectivity and to begin phasing in twelve additional extension agents and six additional specialists. Funding for the equipment and technology upgrades which will enhance the quality of research and extension programming at the Agricultural Research and Extension Centers is contained in a separate item under the Higher Education Equipment Trust Fund (HEETF)."

**Explanation:**

(This amendment provides funding to support extension programs. This request is centered around Internet Connectivity, Modernization of Research Equipment, and Critical Personnel. Building resilience in our communities across the Commonwealth is fundamental to the mission of the Virginia Cooperative Extension and Agricultural Experiment Station (VCE/VAES). Supporting the economic prosperity, furthering research and discovery, and educating our citizens leads to greater prosperity in communities that have struggled to keep pace in an innovation-based economy.)

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Item 238 #1c

**Higher Education**

Virginia State University

Language

**Language:**

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

Page 272, strike lines 42 and 43.

**Explanation:**

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(The amendment provides for the release of funding by removing existing language that required certain approvals prior to release of the funding.)

---

Item 244 #1c

<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 funding to support frontline personnel engaged in direct service delivery of museum and educational programming. The employees are currently employed in interpretation, on-site education, outreach education, and support services. These funds provide a competitive base salary and hourly rate for these employees relative to the local market and partially addresses retention challenges.)

---

Item 244 #2c

<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 funding to enhance digital marketing and social media capabilities to more closely align with the agency's mission, direct marketing dollars 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 247 #1c

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

**Language:**

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

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**Explanation:**

(This amendment provides funding to restore state aid to local public libraries eliminated in the introduced budget.)

---

	Item 249 #1c		
<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
The Science Museum of Virginia	\$0	\$210,000	GF

**Language:**

Page 277, line 27, strike "\$10,672,679" and insert "\$10,882,679".

**Explanation:**

(This amendment provides funding for the Science Museum for security upgrades.)

---

	Item 253 #1c		
<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Museum of Fine Arts	\$0	\$400,000	GF

**Language:**

Page 279, line 23, strike "\$54,497,207" and insert "\$54,897,207".

**Explanation:**

(This amendment provides additional funding to lease 25,000 square feet of storage space and make necessary information technology upgrades.)

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	Item 253 #2c		
<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Museum of Fine Arts	\$250,000	(\$10,000,000)	GF

**Language:**

Page 279, line 23, strike "\$43,642,883" and insert "\$43,892,883".

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

Page 280, after line 4, insert:

"F. Out of this appropriation, \$250,000 the first year and \$750,000 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

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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 \$250,000 from the general fund the first year and \$750,000 from the general fund the second year to support the museum's development of a plan for transforming Monument Avenue.)

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	Item 256 #1c	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 #1c	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 #1c	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
Roanoke Higher Education Authority	\$0	\$98,817 GF

**Language:**



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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 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 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.)

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Item 260 #1c

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<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 #2c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

---

Item 261 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC	(\$1,500,000)	(\$1,500,000)	GF

**Language:**

Page 284, line 47, strike "\$3,047,683" and insert "\$1,547,683".

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Page 284, line 47, strike "\$3,047,683" and insert "\$1,547,683".

Page 285, strike lines 16 through 22 and insert:

"D. An amount of \$1,500,000 each year from the general fund shall be designated for the design, research, and development activities associated with a potential high performance data facility project from amounts appropriated under Item 112.A.1. of this act."

**Explanation:**

(This amendment provides \$1.5 million from the general fund each year will be provided under Economic Development Incentive payments for the design, research, and development activities associated with a potential high performance data facility project.)

Item 262.80 #1c

<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Maintain Affordable Access	\$0	\$113,500,000	GF

**Language:**

Page 287, line 16, strike "\$0" and insert "\$113,500,000".

Page 287, strike lines 20 through 22 and insert:

"A. Out of this appropriation, \$60,000,000 the first year and \$73,500,00 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:

<b>Institution</b>	<b>FY 2021 Allocation</b>	<b>FY 2022 Allocation</b>
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
Virginia Commonwealth University	10,000,000	10,000,000
Virginia Military Institute	1,000,000	1,000,000

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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
<b>Total</b>	<b>\$60,000,000</b>	<b>\$73,500,000"</b>

Page 287, strike lines 23 through 39.

Page 287, strike lines 40 through 41 and insert:

"B. Out of the allocation for the Virginia Community College System, \$2,500,000 the second year from the general fund is designated for additional advisors."

Page 287, after line 41, insert:

"C. Out of the appropriation contained in Item 299 N. of this act from federal funding provided under the Consolidated Appropriations Act, 2021 (P.L. 116-260), \$34,524,000 the first year is allocated for the costs of conducting COVID-19 tests at Virginia's public colleges and universities. Any unexpended balances shall be carried over to the second year of the biennium. Allocations for this item are as follows:

<b>Institution</b>	<b>FY 2021 Allocation</b>
Christopher Newport University	\$450,000
College of William and Mary	792,000
George Mason University	3,438,000
James Madison University	1,962,000
Longwood University	396,000
University of Mary Washington	396,000
Norfolk State University	504,000
Old Dominion University	2,124,000
Radford University	1,062,000
University of Virginia	2,250,000
University of Virginia's College at Wise	180,000
Virginia Commonwealth University	2,718,000
Virginia Military Institute	144,000
Virginia Polytechnic Institute & State University	3,276,000
Virginia State University	396,000
Richard Bland College	216,000
Virginia Community College System	14,220,000
<b>Total</b>	<b>\$34,524,000</b>

D. Out of this appropriation, \$40,000,000 the second year from the general fund is provided to Virginia's public colleges and universities to enable institutions to address affordability issues in fiscal year 2022 due to unavoidable cost increases and required spending. Allocations from this item are as follows:

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<b>Institution</b>	<b>FY 2022 Allocation</b>
Christopher Newport University	\$895,600
College of William and Mary	1,376,500
George Mason University	4,061,900
James Madison University	2,511,700
Longwood University	675,300
University of Mary Washington	739,200
Norfolk State University	843,500
Old Dominion University	2,807,600
Radford University	1,330,500
University of Virginia	3,501,500
University of Virginia's College at Wise	316,700
Virginia Commonwealth University	4,860,500
Virginia Military Institute	242,600
Virginia Polytechnic Institute & State University	4,918,300
Virginia State University	653,100
Richard Bland College	167,300
Virginia Community College System	10,098,200
<b>Total</b>	<b>\$40,000,000</b>

E. 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 one-time need-based undergraduate financial aid in the second year.

F. 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 requirements 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:**

*Conference Report to House Bill 1800*

(This amendment addresses the funding needs of Virginia's public colleges and universities to meet the challenges of the COVID-19 pandemic, support operations, and address access and affordability.)

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Item 263 #1c

**Higher Education**

Virginia College Building Authority

Language

**Language:**

Page 289, after line 19, insert:

"Virginia Cooperative Extension and Agricultural Experiment Station \$4,000,000".

Page 289, after line 45, insert:

F. Out of the allocations for the Virginia Cooperative Extension and Agricultural Experiment Station, \$1,550,000 the second year is designated for information technology upgrades and \$2,450,000 the second year is designated for equipment for the Agricultural Research and Extension Centers (ARECS)."

**Explanation:**

(This amendment provides equipment allocations to the Virginia Cooperative Extension and Agricultural Experiment Station as part of the Building Resilience initiative.)

---

Item 264 #1c

**Finance**

Secretary of Finance

Language

**Language:**

Page 291, line 31, strike "2020" and insert "2021".

**Explanation:**

(This amendment updates the report due date for the Debt Capacity Advisory Committee workgroup.)

---

Item 266 #1c

**Finance**

Department of Accounts

Language

**Language:**

*Conference Report to House Bill 1800*

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 House Bill 2322 and Senate Bill 1469 of the 2021 General Assembly, and subject to the provisions thereof."

**Explanation:**

(This amendment establishes the Opioid Abatement Fund, consistent with House Bill 2322/Senate Bill 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 House Bill 2322/Senate Bill 1469 are effectuated.)

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	Item 275 #1c	
<b>Finance</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Accounts Transfer Payments	\$250,000,000	\$0 GF

**Language:**

Page 297, line 17, strike "\$89,027,631" and insert "\$339,027,631".

Page 297, line 25, strike "\$89,027,631" and insert "\$339,027,631".

**Explanation:**

(This amendment increases the deposit into the revenue reserve fund in fiscal year 2021 by \$250.0 million. Including this deposit, total reserves in the rainy day fund and revenue reserve would be approximately \$2.1 billion by the end of the biennium.)

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	Item 285 #1c	
<b>Finance</b>	<b>FY20-21</b>	<b>FY21-22</b>

*Conference Report to House Bill 1800*

Department of the Treasury \$0 \$321,587 GF

**Language:**

Page 307, line 42, strike "\$35,394,705" and insert "\$35,716,292".

Page 308, after line 45, insert:

"J. Out of the amounts for this item \$321,587 the first year from the general fund shall be paid as a lump sum payment within 60 days of signing the release for the relief of Ms. Esther Thorne, pursuant to the passage of this act. \$15,000 shall be deducted from this award total and repaid to the Criminal Fund under the provisions provided in subsection C. of § [8.01-195.11](#) of the Code of Virginia."

**Explanation:**

(This amendment provides compensation for the wrongful incarceration of Ms. Esther Thorne.)

---

Item 288 #1c

**Finance**

Treasury Board

Language

**Language:**

Page 312, after line 23, insert:

"Middle River Regional Jail-Expansion and Renovation \$24,125,430".

Page 312, line 30, strike "\$50,278,483" and insert "\$74,403,913".

**Explanation:**

(This amendment adds the Middle River Regional Jail expansion project to the current list of local and regional jail capital projects for which the Commonwealth will provide 25 percent reimbursement of eligible costs as approved by the Department of Corrections.)

---

Item 288 #2c

**Finance**

Treasury Board

**FY20-21**

**FY21-22**

\$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 from the general fund in fiscal year 2021 for the defeasance of the bonds of outstanding bonds on the Central Virginia Training Center.)

---

Item 291 #1c

**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 aging services be elevated in importance within state government, to include consideration of reestablishing a separate agency on aging under the Office of the Secretary of Health and Human Resources beginning July 1, 2022. Such an agency would 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 Virginia Association of 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 offices of aging services that are fully capable of leading across state government with regard to the impacts of an aging population; (ii) review and develop an optimal organizational structure; (iii) develop a transition plan for transferring staff, funding and making other operational changes as needed; (iv) draft legislation for consideration by the 2022 General Assembly; (v) determine potential costs; and (vi) develop draft changes to the Appropriation Act. The workgroup shall, at a minimum, evaluate the most appropriate place that aging services, adult services, adult protective services and auxiliary grant programs should reside within state government. In addition, the workgroup shall examine any other aging-related programs in the Health and Human Resources Secretariat and make recommendations as appropriate to ensure coordination across such programs.

3. The workgroup shall provide all deliverables and report on its findings by December 1, 2021, to the Governor, the Department of Planning and Budget, and the Chairs of House Appropriations and Senate Finance and Appropriations Committees."

**Explanation:**

(This amendment provides that it is the intent of the General Assembly elevate aging services within state government to include considering the establishment of a new agency for aging services 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.)

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Item 291 #2c

**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 292 #1c

**Health and Human Resources**

Children's Services Act

Language

**Language:**

Page 323, line 3, unstrike "the first year".

**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 in fiscal year 2022. This rate

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cap was temporary until the completion of the rate setting study, which will be complete in fiscal year 2021.)

---

Item 292 #2c

**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 #3c

**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, 2021 Special Session I, 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 #1c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Children's Services Act

\$0  
0.00

\$121,443  
1.00

GF  
FTE

**Language:**

Page 323, line 16, strike "\$2,059,796" and insert "\$2,181,239".

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Page 324, after line 6, insert:

"D. The Office of Children's Services (OCS) shall report on the implementation of new statutory requirements contained in House Bill 2212, 2021 Special Session I. The report should 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 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 as part of the report required by paragraph D of this item.

F. 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 adds funding for the Office of Children's Services (OCS) to implement new responsibilities for monitoring local program performance and working with local programs that underperform to strengthen their operations pursuant to the new statutory requirements in House Bill 2212, 2021 Special Session I. It also adds language requiring the Office of Children's Services 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 resources. These actions are based on recommendations from the Joint Legislative Audit and Review Commission's November 2020 study on CSA.)

---

Item 295 #1c

**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:**

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(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, 2021 Special Session I, 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 #2c

**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 Virginia 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.)

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Item 295 #3c

**Health and Human Resources**

**FY20-21**

**FY21-22**

*Conference Report to House Bill 1800*

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 restores \$500,000 the second year from the general fund to the Virginia Department of Health to establish a Nursing Preceptor Incentive Program. Funding for this program was unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. 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.)

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Item 296 #1c

**Health and Human Resources**

**FY20-21**

**FY21-22**

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 296 #2c

**Health and Human Resources**

*Conference Report to House Bill 1800*

Department of Health

Language

**Language:**

Page 327, line 20, after "organizations.", insert:

"The Virginia Department of Health shall develop and implement a plan to ensure timely quarterly distributions of Four for Life funding to the Virginia Association of Volunteer Rescue Squads beginning quarterly in May 2021."

**Explanation:**

(This amendment adds language ensuring the timely distribution of Four for Life funding to the Virginia Association of Volunteer Rescue Squads (VAVRS) on a quarterly basis. This past year, receipt of these funds has been inconsistent due to the adoption of the new Shared Business Services at the Department of Health, resulting in difficulties with cash flow for the VAVRS.)

Item 297 #1c

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

**Language:**

Page 328, line 3, strike "\$16,001,106" and insert "\$16,052,252".

**Explanation:**

(This amendment provides \$51,146 the second year from the general fund for the fiscal impact of House Bill 1950, 2021 Special Session I, which directs the Office of the Chief Medical Examiner to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team by December 1, 2021.)

Item 299 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	(\$722,472) \$722,472	(\$1,444,944) \$1,444,944	GF NGF

**Language:**

**Explanation:**

(This amendment supplants \$722,472 the first year and \$1.4 million the second year from the general fund for COVID-19 data modeling with a like amount of funds each year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging

Infectious Diseases (ELC) grant provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123).

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Item 299 #2c

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 330, after line 42, insert:

"N. The Virginia Department of Health shall work with the Department of Behavioral Health and Developmental Services (DBHDS) to ensure that adequate funding, estimated at \$2,142,601 the first year and \$4,285,202 the second year, is provided for COVID-19 testing and surveillance at DBHDS state-operated facilities. The Virginia Department of Health shall include such activity in its plan to the Centers for Disease Control and Prevention for the use of the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). The Virginia Department of Health shall transfer such funds to the Department of Behavioral Health and Developmental Services as necessary for such activities."

**Explanation:**

(This amendment directs the Virginia Department of Health to plan for and make available funding estimated at \$2.1 million the first year and \$4.3 million the second year for COVID-19 testing and surveillance in the Department of Behavioral Health and Developmental Services (DBHDS) state-operated facilities. The source of the funding is intended to come from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Language directs the Virginia Department of Health to include this activity in its plan to the Centers for Disease Control and Prevention and transfer such funds to DBHDS for this purpose. A companion amendment in Item 326 eliminates general fund amounts provided to DBHDS for this purpose.)

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Item 299 #3c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0

\$956,377 NGF

**Language:**

Page 328, line 35, strike "\$213,178,894" and insert "\$214,135,271".



*Conference Report to House Bill 1800*

Page 330, after line 42, insert:

"N. Out of this appropriation, \$956,377 the second year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) shall be used for the development and implementation of a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency, pursuant to the provisions of House Bill 1989, 2021 Special Session I. The Virginia Department of Health shall include such activity in its plan for the use of these funds to the Centers for Disease Control and Prevention."

**Explanation:**

(This amendment provides \$956,377 the second year from federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) grant funds provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) to implement the provisions of House Bill 1989, 2021 Special Session I. The bill provides for the development and implementation of a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency. The information from the system would also be shared with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public.)

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Item 299 #4c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0

\$34,524,000 NGF

**Language:**

Page 328, line 34, strike "\$213,178,894" and insert "\$247,702,894".

Page 330, after line 42, insert:

"N. Out of this appropriation, \$34,524,000 from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) shall be used for COVID-19 testing and contact tracing at state institutions of higher education. The Virginia Department of Health shall include such activity in its plan for the use of these funds to the Centers for Disease Control and Prevention and transfer such funds to the state colleges and universities in accordance with Item 262.80 C. of this act. In the event, that this funding is not fully utilized by June 30, 2022, the department may reallocate the funding to other planned uses for the federal funds."

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**Explanation:**

(This amendment provides \$34.5 million the second year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds for COVID-19 testing and contact tracing in state institutions of higher education. The state recently received notice of additional ELC funds which were provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Language is added directing the Virginia Department of Health to include this activity in its plan to the Centers for Disease Control and Prevention. Funding not used by June 30, 2022 may be reallocated for other planned uses.)

Item 299 #5c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 #6c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	\$0	\$197,909	GF
	0.00	1.50	FTE

**Language:**

Page 328, line 34, strike "\$213,178,894" and insert "\$213,376,803".

**Explanation:**

(This amendment provides \$197,909 the second year from the general fund in the Office of Epidemiology to support 1.5 additional positions 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 1.5 additional epidemiology program managers in the Office of Epidemiology. A separate amendment funds a total of 47 epidemiologists and communicable disease nurses to expand the Commonwealth's communicable disease surveillance and investigation capabilities.)

Item 300 #1c

**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 #2c

**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

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Incentive program funded in companion amendments in Item 295.)

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Item 301 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	\$0	\$42,716	GF

**Language:**

Page 332, line 13, strike "\$163,353,397" and insert "\$163,396,113".

**Explanation:**

(This amendment provides \$42,716 from the general fund the second year to fund the fiscal impact of House Bill 1995, 2021 Special Session I, which establishes the Rare Disease Advisory Council.)

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Item 301 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	\$0	\$500,000	GF
	0.00	0.50	FTE

**Language:**

Page 332, line 13, strike "\$163,353,397" and insert "\$163,853,397".

Page 333, after line 18, insert:

"I. Out of this appropriation, \$305,000 the first year and \$805,000 the second year from the general fund is provided for a comprehensive adult program for sickle cell disease."

**Explanation:**

(This amendment adds \$500,000 the second year from the general fund and half of a position for the comprehensive adult sickle cell disease (SCD) program. Language sets out total funding for this program. Chapter 1289, 2020 Virginia Acts of Assembly provided \$305,000 each year of the biennium for adult sickle cell disease services. This amendment would bring the total funding in the second year to \$805,000.)

---

Item 301 #3c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	\$100,000	\$650,000	GF

**Language:**

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Page 332, line 13, strike "\$167,067,937" and insert "\$167,167,937".

Page 332, line 13, strike "\$163,353,397" and insert "\$164,003,397".

Page 353, unstrike lines 11 through 13.

Page 353, line 11, after "G.", insert "1".

Page 353, line 11, strike "\$750,000 the first year and \$750,000", insert "\$100,000 the first year and \$650,000".

Page 353, after line 13, insert:

"2. The Department of Health shall continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the Centers for Disease Control to the six sexual and domestic violence organizations that received such funds in year two of the cooperative agreement. If however, the Centers for Disease Control does not approve or limits the cooperative agreement funding that can be awarded to these organizations, then the department shall make grants, notwithstanding any other provision of law, from the Virginia Sexual and Domestic Violence Prevention Fund in an amount the first year or the second year to ensure the same level of funding the organizations received in federal RPE funds in year two of the cooperative agreement."

**Explanation:**

(This amendment restores \$100,000 the first year and \$650,000 the second year from the general fund for the Virginia Sexual and Domestic Violence Prevention Fund that was created pursuant to Chapters 912 and 913, 2020 Actis of Assembly. 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. In addition, language is included directing the Department of Health to continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the Centers for Disease Control to six sexual and domestic violence organizations.)

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Item 302 #1c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0  
0.00

\$2,735,339 GF  
23.00 FTE

**Language:**

Page 333, line 20, strike "\$292,637,694" and insert "\$295,373,033".

**Explanation:**

(This amendment provides \$2.7 million the second year from the general fund in the Office of Epidemiology to support 23 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

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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 47 epidemiologists and communicable disease nurses to expand the Commonwealth's communicable disease surveillance and investigation capabilities. A separate amendment funds additional epidemiology program managers in the Office of Epidemiology)

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Item 302 #2c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0

(\$7,364,304) GF

**Language:**

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.)

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Item 302 #3c

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 336, after line 16, insert:

"I.1. The Department of Health, in cooperation with the Department of Environmental Quality, shall work with the Middle Peninsula Planning District Commission to initiate a three-year pilot program to analyze an engineered septic unit that houses and treats all sewage effluent in a vertically elevated, self-contained unit suitable for areas with high water tables and flooding in

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Coastal Virginia. Such vertically elevated septic system, including holding tank and treatment unit, shall have no physical contact with land; shall be vertically elevated on columns, piers, or other structures that provide for the flow of surface water underneath the septic unit; shall be elevated above the storm surge and flood inundation levels; and shall be designed to meet pollution removal standards of the Department of Health and Department of Environmental Quality. The treated sewage discharge from the vertically elevated septic system may include surface, engineered wetland, or other appropriate discharge approaches that comply with regulations for alternative onsite sewage systems (12VAC5-613 et seq.). Such vertically elevated septic system shall be installed in an upland location in the Middle Peninsula outside of any designated Resource Protection Area or floodplain.

2. By December 1 of each year, the Middle Peninsula Planning District Commission shall submit a report to the Governor and General Assembly with the following information: (i) the feasibility of elevating the parts of septic systems vulnerable to rising sea levels; (ii) optimal system design, or range of designs, for vertically elevated septic systems capable of withstanding sea level rise and chronic flooding that meets effluent standards; (iii) recommendations for legal or regulatory changes, if any, to authorize the use of vertically elevated septic systems; (iv) recommendations for amending current septic system permit requirements to allow for the use of vertically elevated septic systems; (v) recommendations for financing the installation of vertically elevated septic systems; (vi) the expected date of completion of the pilot program; (vii) installation and projected average annual maintenance costs for a vertically elevated septic system over 10 years; and (viii) any other pertinent information."

**Explanation:**

(This amendment adds language directing the Virginia Department of Health (VDH) and Department of Environmental Quality, in partnership with the Middle Peninsula Planning District Commission, to initiate a three-year pilot program designed to study the use of engineered septic systems that house and treat sewage effluent in an elevated, self-contained unit suitable for areas with high water tables and susceptible to flooding in Coastal Virginia. A companion amendment in Item 114 provides funding to Middle Peninsula Planning District Commission for costs associated with the pilot program.)

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Item 302 #4c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0

\$276,897 GF

**Language:**

Page 333, line 20, strike "\$292,637,694" and insert "\$292,914,591".

Page 336, after line 16, insert:

"I. The Virginia Department of Health shall prepare a request for funding the state share of new

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or escalated rent increases at local health departments and submit the request for inclusion in the Governor's introduced budget annually."

**Explanation:**

(This amendment provides \$276,897 the second year from the general fund for the state's share of increases in leased space for 24 local health departments, including the restoration of funding for lease increases at 20 local health departments, which was included in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. Funding also provides for lease increases at four additional local health departments, including the Counties of Russell and Northampton and the Cities of Colonial Heights and Chesapeake. Language is added to require the Virginia Health Department to annually submit requests for the funding of new or escalated rent increases at local health departments.)

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	Item 303 #1c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Health	\$0	\$40,000 GF

**Language:**

Page 336, line 19, strike "\$21,849,583" and insert "\$21,889,583".

Page 340, line 24, strike "\$20,000" and insert "\$60,000".

**Explanation:**

(This amendment provides an additional \$40,000 the second year from the general fund for the Special Olympics Virginia Healthy Athlete Program. The introduced budget provided an additional \$10,000 to the existing appropriation of \$10,000 for fiscal year 2022. With the additional funding in this amendment, the program will receive \$60,000 in fiscal year 2022.)

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	Item 303 #2c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Health	\$0	\$393,801 GF

**Language:**

Page 336, line 19, strike "\$21,849,583" and insert "\$22,243,384".

Page 340, after line 32, insert:

"X. Out of this appropriation, \$393,801 the second year from the general fund shall be provided to develop a new data collection program to address prescription drug price transparency, pursuant to the provisions of House Bill 2007, 2021 Special Session I. The department shall establish a contract for this service."



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**Explanation:**

(This amendment provides \$393,801 the second year from the general fund to develop a new data collection program to address prescription drug price transparency, pursuant to the provisions of House Bill 2007, 2021 Special Session I. The data would be used in combination with data already submitted to the Virginia All Payer Claims Database (APCD) to develop an annual online report that analyzes drivers of prescription drug prices. The legislation requires information that cannot be collected using the existing APCD layout and data fields. Costs decrease in the out-years to \$318,801 annually after subtracting one-time costs for the development of the system.)

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Item 304 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

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Item 307 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health	(\$7,100,000)	(\$12,500,000)	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 "\$25,704,545".

Page 343, line 2, strike "general fund" and insert: "Coronavirus Relief Funds".

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 machine translations without human review by a professional translator 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 \$12.5 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 \$12.5 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 #2c

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

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**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.)

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Item 307 #3c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Health

\$0

\$151,180 GF

**Language:**

Page 341, line 27, strike "\$38,204,545" and insert "\$38,355,725".

**Explanation:**

(This amendment provides \$151,180 from the general fund the second year for the fiscal impact of House Bill 2111, 2021 Special Session I, which requires the State Health Commissioner to establish a Task Force on Maternal Health Data and Quality Measures for the purpose of evaluating maternal health data collection to guide policies in the Commonwealth to improve maternal care, quality, and outcomes for all birthing people in the Commonwealth. The Task Force shall report its findings and conclusions to the Governor and General Assembly by December 1 of each year regarding its activities and shall conclude its work by December 1, 2023.)

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Item 307 #4c

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 343, after line 10, insert:

"I. The Commissioner of Health (VDH) shall establish a task force to assist with the promulgation of regulations and the certification process of douglas, as well as to serve as an informational resource for policy related matters for the Virginia Department of Health (VDH).

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The task force will include private provider organizations such as Birth in Color RVA, Urban Baby Beginnings, Motherhood Collective and any other organization or agency representatives deemed appropriate by VDH."

**Explanation:**

(This amendment adds language requiring the Commissioner of Health to develop a task force on Doula certification, regulations and other related issues.)

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Item 309 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health Professions	0.00	2.00	FTE

**Language:**

**Explanation:**

(This amendment provides two additional positions in the Board of Pharmacy to implement the provisions of House Bill 1988, 2021 Special Session I, related to regulating the processing and dispensing of cannabis oil by pharmaceutical processors in the Commonwealth.)

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Item 309 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Health Professions	\$0	\$66,000	NGF
	0.00	1.00	FTE

**Language:**

Page 343, line 34, strike "\$36,027,084" and insert "\$36,093,084".

**Explanation:**

(This amendment provides \$66,000 from nongeneral funds and one position in the Department of Health Professions to fund the fiscal impact of House Bill 1953, 2021 Special Session I, which establishes a new license category for certified midwives.)

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Item 309 #3c

**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 #1c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance  
Services

(\$1,834,183)  
\$1,834,183

(\$5,378,570) GF  
\$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, but at an enhanced match rate of 4.34 percent. 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 312 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$11,136,631	GF
Services	\$0	\$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 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 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. 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."

**Explanation:**

(This amendment adds \$11.1 million from the general fund the second year and \$20.7 million from federal matching funds and language extending the provision for the payment of prenatal care for pregnant women through the Virginia Family Access to Medical Insurance Security (FAMIS) 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 Medicaid program (Item 313) reduces expenditures by \$13.4 million general fund and \$13.4 million in matching federal 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 313 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$506,903	GF
Services	\$0	\$506,903	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,937,121".

Page 374, unstrike lines 24 through 32.

Page 374, line 31, strike "2020" and insert "2021".

**Explanation:**

(This amendment restores funding for the year and language for funding nursing facilities that provide services to special populations. Language is modified to make this effective July 1, 2021. Funding for this Item was provided in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. Currently, only one nursing facility, the Virginia Home, would meet the criteria to qualify for additional funding pursuant to the reimbursement methodology change.)

Item 313 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 restores \$57,210 from the general fund and \$57,210 from nongeneral funds the second year to increase the eligibility requirement for Virginians with disabilities to participate in the Medicaid Works program to 138 percent of the federal poverty level. Funding for this item was provided in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

Item 313 #3c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	(\$13,428,714)	GF
	\$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 the second year and

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\$13.4 million from federal matching Medicaid funds from extending the provision for the payment of prenatal care for pregnant women in the Family Access to Medical Insurance Security (FAMIS) 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 net 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 313 #4c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$354,766	GF
Services	\$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 Virginia Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

Item 313 #5c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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".  
 Page 376, unstrike lines 35 through 39.  
 Page 376, line 38, strike "2020" and insert "2021"

**Explanation:**



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(This amendment restores \$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. Funding for this Item was provided in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. Language is modified to make the provision of this benefit effective July 1, 2021.)

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Item 313 #6c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 \$2.3 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 to offset general fund costs.)

Item 313 #7c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$119,955	GF
Services	\$0	\$119,955	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,163,225".

Page 374, unstrike lines 14 through 23.

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

**Explanation:**

(This amendment restores \$119,995 from the general fund the second year and a like amount of matching federal Medicaid funds and restores language to require the Department of Medical Assistance Services to modify nursing facility capital reimbursement for a nursing facility that lost its status as a hospital-based nursing facility because a replacement hospital was built in a different location and it became a free-standing facility. Language is modified to make this effective July 1, 2021. Funding for this purpose 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 #8c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$3,443,865	GF
Services	\$0	\$3,443,865	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,501,811,045".

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Title XIX of the Social Security Act to provide sick leave to providers of consumer-directed personal, respite or companion care."

**Explanation:**

(This amendment provides \$3.4 million from the general fund and \$3.4 million in matching federal Medicaid funds the second year to provide sick leave to Medicaid providers of consumer-directed personal, respite or companion care, consistent with the requirements of House Bill 2137, 2021 Special Session I. Language directs the Medicaid agency to seek federal authority through a waiver and State Medical Assistance Plan amendments, which would enable

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the state to obtain federal matching funds for this purpose.)

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Item 313 #9c

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

**Language:**

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

**Explanation:**

(This amendment recognizes \$10.1 million in general fund savings and \$38,332 in nongeneral fund savings the second year from a six-month delay in redesign and enhancement of Medicaid behavioral health services to provide a continuum of care that is evidence-based, trauma-informed and cost effective. Funding for this effort was restored in Chapter 56, 2020 Special Session I Virginia Acts of Assembly, but the six-month delay in the implementation of these services will generate a one-time savings in fiscal year 2022.)

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Item 313 #10c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 reflects the savings to the general fund in the first year from the receipt of \$39.4 million in increased revenue in the Virginia Health Care Fund. The increased revenue is due to the receipt of escrow funds from a cigarette manufacturer that did not participate in the 1998 Tobacco Mater Settlement Agreement with state Attorney Generals and instead made payments into an escrow fund as required by the Code of Virginia. This nonparticipating manufacturer is closing and has chosen to assign rights to its escrow funds as permitted by statute in return for the right to retain a portion of those funds. For Virginia, this represents a one-time unanticipated payment of \$39,410,177, which is required to be deposited into the

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Virginia Health Care Fund pursuant to § 3.2-4203 of the Code of Virginia. In addition, language also clarifies that repayments from managed care organizations are to be deposited to the Health Care Fund.)

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Item 313 #11c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	\$5,437,276	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,500,360,591".

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 CMS 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 (CMS). No payments shall be made without CMS approval. The originating funding for this program will come entirely from Lake Taylor for Lake Taylor."

**Explanation:**

(This amendment provides \$5.4 million the second year from nongeneral funds to increase payments to Lake Taylor Transitional Care Hospital, a non-state government operated hospital located in Norfolk, Virginia. Language allows the Department of Medical Assistance Services to make a supplemental payment for allowable costs and adjust capitation payments to be consistent with the fee for service supplemental payment percentage increase. Language requires the hospital to provide the funding to match the federal reimbursement for the supplemental payment.)

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Item 313 #12c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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Department of Medical Assistance Services	(\$114,851,105) \$114,851,105	(\$191,551,022) \$191,551,022	GF NGF
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**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.)

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Item 313 #13c

**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 during the 2022 General Assembly Session.)

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Item 313 #14c

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

Page 382, after line 17, insert:

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"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.)

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Item 313 #15c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	\$1,017,162	GF
	\$0	\$1,502,838	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,497,443,315".

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

Page 355, line 12, after "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 Services shall conduct an analysis of the impact of merging the separate Family Access to Medical Insurance Security (FAMIS) population into a single Children's Health Insurance Program children's eligibility group under Medicaid. Such analysis shall include the fiscal impact on medical and administrative costs to the agency, including any savings, the federal and state authorities that would need to be modified and processes needed to make such change, and a timeline for such process to occur. The department shall report the results of the analysis to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

3. 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. 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.)

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Item 313 #16c

**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 changes to the Medicaid Home and Community Based Services Waivers from the federal Centers for Medicare and Medicaid Services to permanently continue telehealth and virtual and/or distance learning as service options for disabled individuals receiving these

waiver services.)

Item 313 #17c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$3,021,843	\$60,695,492	GF
	\$3,137,694	\$63,014,845	NGF

**Language:**

Page 345, line 39, strike "\$16,291,925,668" and insert "\$16,298,085,205".

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,618,633,652".

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 January 1, 2022, 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 12.5 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 \$3.0 million from the general fund and \$3.1 million from federal Medicaid matching funds the first year and \$60.7 million the second year from the general fund and \$63.0 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 12.5 percent effective November 1, 2021. These rate increases will supplement increases provided in Chapter 1289, 2020 Virginia Acts of



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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 the introduced budget for the 2022-24 biennium for consideration in the 2022 General Assembly)

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Item 313 #18c

**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, Early Impact Virginia, 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.)

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Item 313 #19c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance Services

\$0  
\$0

\$7,093,086 GF  
\$7,093,086 NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,509,109,487".

Page 349, line 46, strike "455" and insert "890".

**Explanation:**

(This amendment adds \$7.1 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 435 in the second year bringing the total number of waiver slots funded in fiscal year 2022 to 985 in order to address the Priority One waiting list.)

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Item 313 #20c

**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 number of providers in their network and their geographic locations; (ii) the total number of provider terminations by year since fiscal year 2018 and the number terminated with and without cause; (iii) the localities the terminated providers served; and (iv) 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. The department shall report the data annually, not later than November 1, to the Joint Subcommittee for Health and Human Resources Oversight."

**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.)

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Item 313 #21c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance Services

\$0  
\$0

\$2,682,089 GF  
\$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 the provisions of House Bill 1987 and Senate Bill 1338, 2021 Special Session I.)

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Item 313 #22c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance  
Services

(\$590,206)  
(\$742,208)

\$0 GF  
\$0 NGF

**Language:**

Page 345, line 39, strike "\$16,291,925,668" and insert "\$16,290,593,254".

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

Page 346, strike lines 11 through 16.

**Explanation:**

(This amendment reduces \$590,206 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.)

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Item 313 #23c

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

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

"The department is authorized to set the administration fee for COVID-19 vaccines at the same level as Medicare reimbursement for such vaccines."

**Explanation:**

(This amendment provides an exception for the fee amount included in the introduced budget for Medicaid reimbursement for vaccine administration in a pharmacy such that COVID-19

vaccines can be reimbursed at Medicare rates. 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. However, the Centers for Medicare and Medicaid Services has established higher vaccine administration fees for COVID-19 and this language allows the Department of Medical Assistance Services to match those fees.)

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Item 313 #24c

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

Page 382, after line 17, insert:

"AAAAAA. It is the intent of the General Assembly that from any additional federal funding that is provided to the Commonwealth to offset the economic impacts from COVID-19 that a portion of such funding shall be set aside and allocated 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 Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, the Virginia Network of Private Providers, the Virginia Association of Community Rehabilitation Programs (vaACCSES), representatives of different types of waiver providers, and other appropriate stakeholders shall develop criteria to determine the eligibility for and the amount of the support payments. The criteria shall prioritize providers that have received no other state or federal assistance to date during the PHE, other waiver providers that have received some limited assistance from state and federal sources, and waiver providers that 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."

**Explanation:**

(This amendment establishes the intent of the General Assembly that from any additional federal funding that is provided to the Commonwealth to offset the economic impacts from COVID-19 that a portion of such funding would be set aside and allocated 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).

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Item 313 #25c

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

Page 380, line 10, after "LLLLL." insert "1."

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 (CY) 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.)

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Item 313 #26c

**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 analyze utilization of Transportation Network Company (TNC) Type II Non Emergency Medicaid Transportation (NEMT) providers by the Medicaid fee-for-service program and the department's contracted Medicaid managed care organizations. The department shall identify any barriers to patient access to TNC Type II NEMT services. In its review of barriers to accessing 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

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Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2021."

**Explanation:**

(This amendment adds language requiring the Department of Medical Assistance Services to analyze utilization of Non Emergency Medicaid Transportation Transportation Network Company Type II providers in the Medicaid fee-for-service and managed care programs to determine if barriers to access exist, if contracts result in service gaps, and if any existing requirements limit the provision of these types of services to eligible Medicaid beneficiaries. The agency is required to report findings and recommendations by October 1, 2021 to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.)

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Item 313 #27c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance  
Services

\$0  
\$0  
0.00

\$46,723,014 GF  
\$46,723,014 NGF  
1.00 FTE

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,588,369,343".

Page 380, line 10, after "LLLLL." insert "1."

Page 380, line 11, after "2021", insert:

", and by \$15 per day effective July 1, 2021".

Page 380, after line 17, insert:

"2.a. The Department of Medical Assistance Services (DMAS) shall work with appropriate nursing facility (NF) stakeholders and the CCC Plus managed care organizations (MCOs) to develop a unified, value-based purchasing (VBP) program that includes enhanced funding for facilities that meet or exceed performance and/or improvement thresholds as developed, reported, and consistently measured by DMAS in cooperation with participating facilities. The methodology and timing for the Virginia nursing facility VBP program, including structures for nursing facility performance accountability and disbursement of earned financial incentives, shall be completed no later than December 31, 2021, with the program targeted to begin no later than July 1, 2022. Nursing facility performance evaluation under the program shall prioritize maintenance of adequate staffing levels and avoidance of negative care events, such as hospital admissions and emergency department visits. The program may also consider performance evaluation in the areas of preventive care, utilization of home and community based services, including community transitions, and other relevant domains of care.

b. During the first year of this program, half of the available funding shall be distributed to participating nursing facilities to be invested in functions, staffing, and other efforts necessary to build their capacity to enhance the quality of care furnished to Medicaid members. The size of such payments shall be based on the nursing facility size as determined by the average

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number of Medicaid members enrolled with the nursing facility. The remaining funding shall be allocated based on performance criteria as designated under the nursing facility VBP Program. The amount of funding devoted to nursing facility quality of care investments shall be 25 percent of available funding in the second year of the program before the program transitions to payments based solely on nursing facility performance criteria in the third year of the program. In the third year of this program, such funds as appropriated for this purpose shall be fully disbursed according to the aforementioned unified VBP arrangement to participating nursing facilities that qualify for the enhanced funding.

c. The department shall convene the stakeholders no less than annually through at least the first two years of the program to review program progress and discuss potential modifications to components of the arrangement, including, but not limited to, timing of enhanced payments, performance metrics, and threshold determinations. The department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate changes to the state plan or relevant waivers thereof, and prior to the completion of any regulatory process undertaken to effect such change.”

**Explanation:**

(This amendment adds \$46.7 million the second year from the general fund and \$46.7 million in nongeneral funds and one position to provide an increased payment add-on roughly equivalent to \$15 per day in fiscal year 2022. Language directs the Department of Medical Assistance Services to work with appropriate nursing facility stakeholders and the Medicaid CCC Plus managed care organizations to develop a unified, value-based purchasing program that includes enhanced funding for facilities that meet or exceed performance and/or improvement thresholds as developed, reported, and consistently measured by DMAS in cooperation with participating facilities. Priority areas targeted for improvement would be adequate staffing levels and avoidance of negative care events, such as hospital admissions and emergency department visits, among others. The value-based purchasing program would be implemented on July 1, 2022. Funding for the additional position can be accommodated within the agency's existing administrative budget based on turnover and vacancy savings and the reallocation of funding for this program.)

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Item 313 #28c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	\$2,250,000	GF
	\$0	\$2,250,000	NGF

**Language:**

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,499,423,315".

Page 382, after line 17, insert:

"AAAAA.1. The Department of Medical Assistance Services shall have the authority to

amend the State Plan for Medical Assistance to adjust the formula for indirect medical education (IME) reimbursement for managed care discharges for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 by increasing the case mix adjustment factor to 2.718. This increased case mix index (CMI) factor shall take precedence over future rebasing. Total payments for IME in combination with other payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 may not exceed the federal uncompensated care cost limit that disproportionate share hospital payments are subject to. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

2. The Department of Medical Assistance Services shall work with the freestanding children's hospitals to assess the method used to determine the case mix adjustment factor and what factors may be influencing changes that result in significant funding shifts when rebasing occurs."

**Explanation:**

(This amendment adds funding and language directing the Department of Medical Assistance Services to adjust the formula used to calculate indirect medical education reimbursement for managed care discharges at Children's Hospital of the King's Daughters (CHKD). This change would partially restore CHKD's case mix index (CMI) factor, which had been reduced in fiscal year 2020. The change is intended to stabilize CHKD's IME funding levels so the hospital is not subject to dramatic fluctuations in future Medicaid payments that occur with rebasing and changes in federal policy, and would be consistent with historic levels of state support. Language requires the agency to work with the hospital to examine the methodology used to determine the case mix adjustment and factors influencing changes when rebasing occurs. The IME payments are matched by the federal government on a 50/50 basis.)

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Item 313 #29c

**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 convene a work group to plan for implementing a pilot program to provide mobile vision clinic services to Medicaid, FAMIS and MCHIP children in a school-based setting. The work group shall be comprised of Medicaid managed care organizations, mobile vision providers, school districts with and without these services, the Virginia Department of Education and others as appropriate. The work group shall determine the scope and design of the pilot program, including (i) the referral process for initial and follow-up services (ii) who shall provide the services, (iii) how parents or legal guardians will be notified, (iv) the role of school districts and the Department of Education



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in screening and referring children to the program, (iv) reimbursement rates for services that consider access, quality, and cost effectiveness of services provided, (v) detailed cost estimates of the pilot program, and (vi) a mechanism for evaluating the pilot program, The Department shall report on the recommendations of the workgroup by October 15, 2021 to the Governor and General Assembly."

**Explanation:**

(This amendment adds language requiring the Department of Medical Assistance Services to convene a work group to develop a plan to implement a pilot program to provide mobile vision clinic services for Medicaid, FAMIS and MCHIP children in a school-based setting. Language requires the work group to report its recommendations by October 15, 2021.)

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Item 313 #30c

**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 research the implications of eliminating restrictive Medicaid eligibility requirements through a "1634 agreement" with the Social Security Administration (SSA) which will allow for automatic enrollment of Supplemental Security Income (SSI) recipients into Virginia's Medicaid program as categorically eligible individuals. DMAS shall report on its findings, including cost and programmatic changes that would be necessary to effect such changes by October 1, 2021 to the Governor and General Assembly."

**Explanation:**

(This amendment adds language requiring DMAS to research and report on the costs and program changes which would be necessary to allow all Supplemental Security Income recipients to become automatically enrolled in the Medicaid program. Currently, Medicaid enrollment is not automatic for this population and they must meet income and resource requirements to become eligible for Medicaid.)

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Item 315 #1c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance  
Services

(\$1,762,463)  
\$1,762,463

(\$5,250,333) GF  
\$5,250,333 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, but at an enhanced match rate of 4.34 percent. 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 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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

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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.)

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Item 317 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	\$250,000	GF
Services	\$0	\$250,000	NGF

**Language:**

Page 383, line 13, strike "\$283,053,336" and insert "\$283,553,336".

Page 391, after line 24, insert:

"II. Out of this appropriation, \$250,000 the first year from the general fund and \$250,000 from nongeneral funds is provided to the Department of Medical Assistance Services (DMAS) to contract for an analysis of payment, authorization, and provider requirements contributing to the outcomes of Medicaid and FAMIS-covered pregnancies and births. This analysis shall be conducted in collaboration with DMAS and contracted Medicaid managed care organizations and based on recommendations for high-value care by the American College of Obstetrics and Gynecology. The analysis shall (i) compare service utilization to maternal and birth outcomes; (ii) identify patterns and outliers in claim payments by provider-type and service-type compared to maternal and birth outcomes; (iii) compare findings to available data on race, ethnicity, geographic location, and preferred language; (iv) compare findings to coverage policies for post-partum women; (v) evaluate the potential increased risk of adverse maternal and birth outcomes arising from COVID-19; and (vi) document the provision of services identified by the American College of Obstetrics and Gynecology that potentially result in unnecessary utilization and spending. Such analysis shall be conducted using claim and encounter data related to Medicaid and FAMIS-covered pregnancies and births. Based on this analysis, the contractor shall conduct a review of policy implications, corresponding payment policies, authorization requirements, provider administrative requirements and spending that may be contributing to more or less favorable outcomes, and identify opportunities for cost savings. DMAS shall engage an external contractor to conduct this analysis not later than 120 days after the effective date of this act. This analysis and research shall be conducted by a Virginia Department of Small Business and Supplier Diversity-certified SWaM business. The department shall report on this analysis to the Task Force on Maternal Health Data and Quality Measures for the purpose of evaluating maternal health data collection to guide policies in the Commonwealth to improve maternal care, quality, and outcomes for all birthing people in the Commonwealth."

**Explanation:**

(This amendment adds \$250,000 the second year from the general fund and matching federal Medicaid funding to analyze Medicaid and FAMIS administrative and operational data requirements and their impact on maternal mortality and birth outcomes. Medicaid claim edits, payment policies, provider requirements, and coverage policies impact how providers deliver care and members access services. Language requires this analysis to be conducted by an external third-party in close collaboration with DMAS and Medicaid managed care organizations to provide an impartial perspective. It requires the analysis and research to be conducted by a Virginia Department of Small Business and Supplier Diversity-certified SWaM business. Language requires the department to report on this analysis to the Task Force on Maternal Health Data and Quality Measures, established by House Bill 2111, 2021 Special Session I.)

Item 317 #3c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	\$1,319,515	GF
	\$0	\$3,798,129	NGF

**Language:**

Page 383, line 13, strike "\$283,053,336" and insert "\$288,170,980".

Page 391, after line 24, insert:

"II. Out of this appropriation, \$1,319,515 the second year from the general fund and \$3,798,129 from nongeneral funds is provided to support the Emergency Department Care Coordination Program (EDCC). The Department of Medical Assistance Services, in cooperation with the Virginia Department of Health, shall establish a work group comprised of the EDCC contractor, the Virginia Health Information, Medicaid and commercial managed care organizations, health systems with emergency departments and emergency department physicians to optimize the use of the system and any enhancements to the system to facilitate communication and collaboration among physicians, other healthcare providers and other clinical and care management personnel about patients receiving services in hospital emergency departments for the purpose of improving the quality of care. The work group shall determine how to best measure performance of the system, identify utilization trends and outcomes, and make any recommendations for system improvements to the Governor and General Assembly by December 1, 2021."

**Explanation:**

(This amendment adds \$1.3 million from the general fund and \$3.8 million from enhanced federal Medicaid Management Information Systems matching funds to continue funding for the Emergency Department Care Coordination (EDCC) Program and complete several enhancements which should result in cost savings to the Commonwealth and higher quality care

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for Medicaid and FAMIS beneficiaries. 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% of hospital Emergency Departments and health plans 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% federal match rate, but the federal funding will end on September 30, 2021. The amendment leverages available federal Medicaid Management Information Systems funding to complete the system enhancements at a 75% federal match rate. Language also requires the development of a work group to make recommendations for system improvements by December 1, 2021.)

---

Item 317 #4c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance  
Services

\$0  
\$0

(\$500,000) GF  
(\$500,000) NGF

**Language:**

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

**Explanation:**

(This amendment reduces by \$500,000 general fund the second year funding provided in the introduced budget for managed care operational changes. This action leaves \$1.7 million from the general fund for this purpose. The agency's administrative budget can absorb any additional costs necessary to implement these changes.)

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Item 317 #5c

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

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.

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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 on 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 directs the Department of Medical Assistance Services to publish the complete State Plan for Medical Assistance and amendments and other supporting materials on the Department of Medical Assistances Services' website to be more publicly accessible.)

Item 317 #6c

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

**Language:**

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

Page 391, after line 24, insert:

"II. Effective July 1, 2021, the Department of Medical Assistance Services shall implement an orientation program for Medicaid personal care attendants."

**Explanation:**

(This amendment adds \$53,247 the second year from the general fund and \$103,361 in nongeneral funds from federal Medicaid matching dollars for the Department of Medical Assistance Services to develop and implement orientation training for Medicaid personal care attendants. Funding assumes lower training costs in fiscal year 2022 since it will occur primarily through electronic means. Annual costs in the next biennium would be higher if training is conducted in person at \$338,432 from the general fund and \$656,956 from the nongeneral fund.)

Item 317 #7c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance Services	\$0	\$67,660	GF
	\$0	\$67,660	NGF
	0.00	1.00	FTE

**Language:**

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Page 383, line 13, strike "\$283,053,336" and insert "\$283,188,656".

Page 391, after line 24, insert:

"II. Effective July 1, 2021, the Department of Medical Assistance Services shall implement an orientation program for Doula service providers."

**Explanation:**

(This amendment adds \$67,660 from the general fund and \$67,660 in federal matching Medicaid funds the second year and one position for the Department of Medical Assistance Services to develop and implement a provider training program for Doula service providers to learn how to explain patient access and bill for Medicaid benefits.)

---

Item 318 #1c

**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.)

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Item 320 #1c

**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 pursuant to Chapters 918 and 919 of the 2020 Acts of Assembly. The workgroup shall report its implementation plan to the

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Governor, and Chairs of the House Health, Welfare, and Institutions Committee, the Senate Education and Health Committee, and 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 continue the Temporary Detention Order Evaluator Workgroup established pursuant to Chapters 918 and 919 of the 2020 Acts of Assembly. The workgroup shall report its implementation plan to the Governor, and Chairs of the House Health, Welfare, and Institutions Committee, the Senate Education and Health Committee, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.)

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Item 320 #2c

**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 #3c

**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 #4c

**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.)

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Item 320 #5c

**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 Regular Session, but the funding was

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unallotted in April, 2020 due to the revenue impact from the Coronavirus Pandemic. Half the funding was restored in Chapter 56, 2020 Special Session I, Virginia Acts of Assembly and this amendment restores the remaining amount in the second year. 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.)

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Item 320 #6c

**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, 2020 Virginia Acts of Assembly. However, the funding for these positions was eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly, but the position level was not reduced. Therefore, this amendment corrects the position level for the agency.)

---

Item 320 #7c

**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 November 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 320 #8c

**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 cooperation with the Department of Medical Assistance Services, the Medicaid managed care organizations, and the Community Services Boards/Behavioral Health Authority, shall report on current efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents and young adults in need of services. The report shall include a summary of current services, funding and programmatic issues to address treatment and care of this population, as well as planned efforts and recommendations to expand and improve care for this population. The report shall be provided to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 15, 2021."

**Explanation:**

(This amendment adds language requiring the Department of Behavioral Health and Developmental Services to report on efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents and young adults by November 15, 2021.)

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Item 320 #9c

**Health and Human Resources**

Department of Behavioral Health and Developmental Services

Language

**Language:**

Page 399, after line 39, insert:

"II.1. The Department of Behavioral Health and Developmental Services (DBHDS), in coordination with the Department of Medical Assistance Services (DMAS), shall convene a workgroup with the established DBHDS Provider Issue Resolution Workgroup, VNPP, VaACCSES, VACSB, the Arc of Virginia, Community Services Boards, representatives of waiver recipients, representatives of individuals on the waiting list for a developmental disability (DD) waiver and other appropriate stakeholders to review issues with existing rates and rate methodologies for DD waiver services and make recommendations on needed changes.

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The department is authorized to use existing resources to contract with a vendor to conduct any additional analysis that may be useful in analyzing specific issues being considered by the workgroup. The workgroup shall specifically evaluate the rates for the Supported Living Residential waiver service to ensure appropriate utilization of that service. Any findings or recommendations shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021."

2. The workgroup shall conduct an analysis of current Medicaid Developmental Disability (DD) waiver waitlists and develop plans for reducing the waitlist for individuals to access DD waiver services. The plan, along with projected costs, shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021."

**Explanation:**

(This amendment establishes a workgroup to review specific issues with Medicaid Developmental Disability waiver rates and also requires development of a plan for the eliminating the waiting list for DD waiver services.)

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Item 320 #10c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Behavioral Health and Developmental Services	\$0 0.00	\$300,000 1.00	GF FTE

**Language:**

Page 393, line 43, strike "\$110,804,911" and insert "\$111,104,911".

**Explanation:**

(This amendment provides \$300,000 the second year from the general fund and 1.0 position to implement the provisions of House Bill 2230, 2021 Special Session I. The bill directs the Department of Behavioral Health and Developmental Services to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process to enter into a supported decision-making agreements, and the rights and responsibilities of parties to a supported decision-making agreements. The department is also required to development of model supported decision-making agreements, and other related information for individuals who enter into supported decision-making agreements. The bill directs the department to collect data regarding the utilization of supported decision-making agreements and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.)

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Item 321 #1c

*Conference Report to House Bill 1800*

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Behavioral Health and Developmental Services	\$0	(\$2,500,000)	GF

**Language:**

Page 399, line 42, strike "\$61,270,529" and insert "\$58,770,529".

**Explanation:**

(This amendment level funds discharge assistance plans at current levels of \$35.5 million each year. Funds for this purpose were increased by \$7.5 million the first year and \$10.0 million the second year from the general fund in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. In addition, almost \$3.8 million each year was provided to the Department of Behavioral Health and Developmental Services for additional programs to reduce census at the state behavioral health hospitals.)

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Item 321 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Behavioral Health and Developmental Services	\$0	\$50,000	GF

**Language:**

Page 399, line 41, strike "\$61,270,529" and insert "\$61,320,529".

Page 401, after line 41, insert:

"O. Out of this appropriation, \$50,000 from the general fund the first year is provided to the Appalachian Center for Hope for administrative planning and start up funding for its addiction recovery, reentry and residential drug treatment program and to cover transition costs."

**Explanation:**

(This amendment adds \$50,000 the second year from the general fund to the Appalachian Center for Hope to be used for (i) planning and start-up costs such as purchase of office supplies and equipment, (ii) insurance coverage for use of the leased premises, (ii) payment of incidental costs associated with non-profit incorporation and 501(c)(3) status, and (iv) modification of office space donated to meet the organization's needs as they transition to the leased building site.)

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Item 321 #3c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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Department of Behavioral Health and Developmental Services	\$0	\$150,000	GF
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**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 Chapter 1289, 2020 Virginia Acts of Assembly, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

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Item 321 #4c

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Behavioral Health and Developmental Services	\$0	\$143,260	GF
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**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 Chapter 1289, 2020 Virginia Acts of Assembly, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

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Item 321 #5c

**Health and Human Resources**

Department of Behavioral Health and Developmental Services	Language
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**Language:**

Page 401, line 39, after "hospitalizations.", insert:

"The workgroup shall also include as part of its analysis, an evaluation of the Northern Virginia Regional Older Adult Facilities Mental Health Support Team (RAFT) and determine the feasibility of replicating the RAFT model elsewhere in the Commonwealth to support persons living with dementia with disruptive behaviors or severe and persistent behavioral health conditions."

Page 401, line 41, after "Committee", insert:

"and the Chair of the Joint Commission on Health Care".

**Explanation:**

(This amendment modifies language in the introduced budget related to the creation of and reporting by a workgroup to make recommendations on dementia services to divert and discharge individuals from state behavioral health hospitals.)

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Item 321 #6c

**Health and Human Resources**

Department of Behavioral Health and Developmental Services

Language

**Language:**

Page 401, after line 41, insert:

"O. Out of this appropriation, \$8,774,784 from the general fund the second year is provided from a transfer from Item 322 for Community Services Boards and a Behavioral Health Authority to divert admissions from state hospitals by purchasing acute inpatient or community-based psychiatric services at private facilities. This funding shall continue to be allocated to Community Services Boards and a Behavioral Health Authority for such purpose in an efficient and effective manner so as not to disrupt local service contracts and to allow for expeditious reallocation of unspent funding between Community Services Boards and a Behavioral Health Authority.)

**Explanation:**

(This amendment adds language clarifying the use of funding transferred from Item 322 Grants to Localities to Item 321 in the Department of Behavioral Health and Developmental Services central office. The move of the funds is intended to make it easier for Community Services Boards and a Behavioral Health Authority to access the funding more efficiently and to reallocate unspent dollars in an expeditious manner.)

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Item 321 #7c

**Health and Human Resources**

**FY20-21**

**FY21-22**

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Department of Behavioral Health and Developmental Services	\$0	\$250,000	GF
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**Language:**

Page 399, line 42, strike "\$61,270,529" and insert "\$61,520,529".

Page 401, line 22, after "first year and", strike "\$250,000", insert "\$500,000".

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

"The association must ensure that members accredited by the Council on Accreditation of Peer Recovery Support Services (CAPRSS) receive a share of these funds."

**Explanation:**

(This amendment provides \$250,000 from the general fund the second year in additional support to recovery residences organizations and clarifies that from the passthrough grant to the Virginia Association of Recovery Residencies the association must ensure that members that are accredited by the Council on Accreditation of Peer Recovery Support Services (CAPRSS) receive a portion of the funding.)

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Item 322 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 Chapter 1289, 2020 Virginia Acts of Assembly, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

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Item 322 #2c

**Health and Human Resources**



Grants to Localities

Language

**Language:**

Page 405, strike lines 31 through 39 and insert:

CC. Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided to increase access to medication assisted treatment for individuals with substance use disorders who are addicted to opioids. In expending this amount, the department shall ensure that a portion of the funding received by the Community Services Board or Behavioral Health Authority is used for appropriate long-acting, injectable prescription drug treatment regimens for individuals who are in need of medication assisted treatment while (i) on probation, (ii) incarcerated, or (iii) upon their release to the community. The department shall ensure that a portion of the funding received by the Community Service Board or Behavioral Health Authority is used for non-narcotic, non-addictive prescription drug treatment regimens for individuals who are not able for clinical or other reasons to participate in buprenorphine or methadone based drug treatment regimens. In expending the funding, Community Services Boards or a Behavioral Health Authority shall also prioritize the use of such funds for individuals who are not covered by insurance."

**Explanation:**

(This amendment modifies language related to medication assisted treatment for individuals who are addicted to opioids. Language changes (i) clarify that this pertains to funding received by Community Services Boards or a Behavioral Health Authority, (ii) clarify that the funding is used for appropriate long-acting, injectable prescription drug treatment regimens, and (iii) directs that the funding for medication assisted treatment also be prioritized for individuals that are not covered by insurance.)

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Item 322 #3c

**Health and Human Resources**

Grants to Localities

Language

**Language:**

Page 399, after line 39, insert:

"II. The Department of Behavioral Health and Developmental Services is authorized to collaborate with the Chesapeake Regional Healthcare to develop a memorandum of understanding (MOU) for dedicating a portion of the future bed capacity of a 20-bed psychiatric unit at the hospital for use in providing treatment services to individuals that may otherwise be admitted to a state behavioral health hospital. The MOU should detail the priority populations that would be best served at Chesapeake Regional Healthcare and that assists the Commonwealth in reducing census pressure on state behavioral health hospitals. As part of the MOU the department and Chesapeake Regional Healthcare shall develop an estimated financial contribution for the potential benefit of such an arrangement to the Commonwealth. The

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department shall report on the details of the MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021."

**Explanation:**

(This amendment directs the Department of Behavioral Health and Developmental Services to collaborate with the Chesapeake Regional Healthcare to develop a memorandum of understanding for dedicating a portion of the future beds of a 20-bed psychiatric unit at the hospital for use in providing treatment services to individuals who may otherwise be admitted to state behavioral health hospitals.)

---

Item 326 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 Chapter 1289, 2020 Virginia Acts of Assembly, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

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Item 326 #2c

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

**Language:**

Page 408, line 2, strike "\$287,994,786" and insert "\$285,852,185".

Page 408, line 2, strike "\$286,799,776" and insert "\$282,514,574".

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:**

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(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 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. A companion amendment in Item 299 addresses actions required of the VDH to secure such funds.)

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Item 339 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 restores \$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. These funds were included in Chapter 1289, 2020 Virginia Acts of Assembly, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.)

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Item 339 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department for Aging and Rehabilitative Services	\$0	\$1,200,000	GF

**Language:**

Page 411, line 47, strike "\$100,388,245" and insert "\$101,588,245".

Page 413, line 16, strike "\$5,976,719" and insert "\$7,176,719".

*Conference Report to House Bill 1800*

**Explanation:**

(This amendment adds \$1.2 million the second year from the general fund for an adjustment for brain injury services contracts. Current contracts have not been adjusted to account for market changes in starting salaries and as a result, starting salaries for individuals providing these services are far below market rates, resulting in turnover and vacancies among all service providers. Chapter 1289, 2020 Acts of Assembly session included \$1.0 million from the general fund each year for an increase in funding for brain injury services. However, this funding was unallotted due to the COVID-19 pandemic and subsequently eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

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Item 340 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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".

**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.)

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Item 344 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department for Aging and Rehabilitative Services	\$0	\$50,000	GF

**Language:**

Page 416, line 41, strike "\$7,290,421" and insert "\$7,340,421".

*Conference Report to House Bill 1800*

Page 417, after line 32, insert:

"G. Out of this appropriation, \$50,000 the second year from the general fund is provided for demographic services to obtain reliable data for determining needs and service planning for aging services."

**Explanation:**

(This amendment adds \$50,000 the second year from the general fund for demographic services for statewide aging services at the Department for Aging and Rehabilitative Services.)

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	Item 350 #1c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Social Services	(\$16,600,000)	\$0 GF

**Language:**

Page 420, line 45, strike "\$294,516,580" and insert "\$277,916,580".

Page 423, line 31, strike:

"\$16,600,000 from the general fund and \$16,600,000", and insert: "\$33,200,000".

**Explanation:**

(This amendment supplants \$16.6 million from the general fund with \$16.6 million in federal CARES Act funding to provide support to school divisions, local governments and other entities for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment and cleaning supplies and provide a stable financial environment for the operation of these programs.)

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	Item 350 #2c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Social Services	\$0	\$670,476 GF
	\$0	\$7,658,812 NGF

**Language:**

Page 420, line 44, strike "\$152,429,363" and insert "\$160,758,651".

Page 423, line 6, after "July 1, 2020", insert:

"and ten percent effective July 1, 2021".

Page 423, after line 6, insert:

"2. The Department of Social Services shall develop a plan to increase the standards of assistance by 10 percent annually until they equal 50 percent of the federal poverty level."

**Explanation:**

(This amendment provides \$670,476 from the general fund and \$7.7 million from nongeneral funds the second year to increase Temporary Assistance to Needy Families (TANF) benefits by ten percent. The general fund amount reflects the increase for the TANF Unemployed Parent program which is state-funded. The General Assembly provided a 15 percent increase beginning July 1, 2020, bringing the average monthly payment for a TANF family to \$361. Language requires the Department of Social Services to develop a plan to increase the standards of assistance by 10 percent annually until the standards equal 50 percent of the federal poverty level. 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.)

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Item 350 #3c

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 421, line 21, strike "47,754,358" and insert "35,850,126".

**Explanation:**

(This technical amendment adjusts the Commonwealth's accumulated balance for authorized federal Temporary Assistance to Needy Families (TANF) block grant funds to reflect TANF spending included in the amendments to House Bill 1800, 2021 Special Session I.)

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Item 350 #4c

**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."

*Conference Report to House Bill 1800*

**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.)

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		Item 350 #5c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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.)

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		Item 350 #6c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$9,647,528	\$0	NGF

**Language:**

Page 420, line 45, strike "\$294,516,580" and insert "\$304,164,108".

Page 424, after line 6, insert:

"W. Out of this appropriation, \$9,647,528 the first year from the federal Child Care and Development Fund is provided to temporarily expand the Child Care Subsidy Program, pursuant to the provisions of House Bill 2206, 2021 Special Session I."

**Explanation:**

(This amendment appropriates \$9.6 million the first year from the federal Child Care and Development Fund (CCDF) to implement the provisions of House Bill 2206, 2021 Special Session I, which temporarily expands the Child Care Subsidy Program. Recently, additional CCDF funds became available to states through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (P.L. 116-260).)

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*Conference Report to House Bill 1800*

Item 351 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 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 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 of Senate Bill 1321, 2021 Special Session I, which increases the workload on local departments of social services from the expansion of 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 353 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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**Conference Report to House Bill 1800**

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 \$1,562 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 10 percent, or \$142, on July 1, 2021.)

Item 354 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 354 #2c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	(\$260,406)	GF
	\$0	(\$99,594)	NGF

**Language:**

*Conference Report to House Bill 1800*

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, 2021 Special Session I, 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 Guardianship Assistance Program, which has lower maintenance payments than the Title IV-E program.)

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	Item 356 #1c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Social Services	\$0	\$100,000 GF

**Language:**

Page 431, line 34, strike "\$60,957,967" and insert "\$61,057,967".

Page 431, after line 32, insert:

"Out of this appropriation, \$100,000 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:**

(This amendment provides \$100,000 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.)

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	Item 356 #2c	
<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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".

*Conference Report to House Bill 1800*

**Explanation:**

(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.)

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Item 356 #3c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 fiscal year 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.)

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Item 356 #4c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Social Services	\$0	\$200,000 NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided for Good Shepherd Housing and Family Services to assist with food, housing, child care/education, workforce training and mental health services and supports related to the COVID-19 pandemic response."

**Explanation:**

(This amendment adds \$200,000 the second year from the general fund for Good Shepherd Housing and Family Services, a non-profit organization serving Northern Virginia that provides housing, emergency services, children's services, budgeting counseling and other resources for low-income families.)

Item 356 #5c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$250,000	NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,207,967".  
 Page 435, line 8, strike the second "\$100,000" and insert "\$350,000".

**Explanation:**

(This amendment adds \$250,000 the second year from the Temporary Assistance to Needy Families block grant for FACETS, a non-profit organization in Northern Virginia, to provide to homeless assistance services and other related services during the COVID-19 pandemic. This additional funding will provide a total of \$350,000 in TANF funding for FACETS in fiscal year 2022.)

Item 356 #6c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$500,000	NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,457,967".  
 Page 435, line 25, strike the second "\$700,000" and insert "\$1,200,000".

**Explanation:**

(This amendment adds \$500,000 the second year from the Temporary Assistance to Needy Families block grant for the United Community, a non-profit organization, to provide wrap-around services for low-income families in Northern Virginia, including child care, parenting classes, supportive services, a food pantry, and literacy and citizenship services and other needed services during the COVID-19 pandemic. This additional funding will provide \$1.2 million in TANF funding for United Community in fiscal year 2022.)

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Item 356 #7c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$200,000	NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 432, after line 25, insert:

"5. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the the Lorton Community Action Center to assist with food, housing, child care and education, workforce training and mental health services and supports for low-income families during the COVID-19 pandemic."

**Explanation:**

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the Lorton Community Action Center for services to low-income families during the COVID-19 pandemic.)

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Item 356 #8c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$200,000	NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to BritePaths to assist with food, housing, child care and education, workforce training and mental health services and supports related to stabilizing families during the COVID-19 pandemic."

**Explanation:**

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the BritePaths, a non-profit organization serving Northern Virginia, for services to low-income families related to the COVID-19 pandemic.)

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Item 356 #9c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$200,000	NGF

*Conference Report to House Bill 1800*

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the Koinonia Foundation to assist with food, housing, child care and education, workforce training and mental health services and supports related to stabilizing families during the COVID-19 pandemic."

**Explanation:**

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the Koinonia Foundation, a non-profit organization serving Northern Virginia, for services to low-income families during the COVID-19 pandemic.)

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Item 356 #10c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$75,000	NGF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$61,032,967".

Page 434, line 38, strike the second "\$75,000" and insert:  
"\$150,000".

**Explanation:**

(This amendment adds \$75,000 the second year from the Temporary Assistance to Needy Families block grant for the Visions of Youth Community Development Corporation in Portsmouth to support the Students Taking Responsibility in Valuing Education (STRIVE) suspension/dropout prevention program. This will bring funding for the program to \$150,000 the second year of the biennium.)

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Item 356 #11c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$5,000,000	GF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$65,957,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$5,000,000 from the general fund the second year shall be provided to Prince William County for the CASA Welcome Center in Prince William County."

*Conference Report to House Bill 1800*

Funding shall be matched by private and other nonprofit or governmental funding on a cash and/or in-kind basis."

**Explanation:**

(This amendment adds \$5.0 million the second year from the general fund to Prince William County for the development of the CASA Welcome Center. Funding is contingent upon private and other nonprofit or governmental funding provided in cash and/or in an in-kind basis. The multipurpose center will assist in providing work-readiness and vocational training, employment placement services, English and adult education, citizenship education, and case management assistance to connect individuals and families with health care and social services in the community.)

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Item 356 #12c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	\$0	\$2,000,000	GF

**Language:**

Page 431, line 35, strike "\$60,957,967" and insert "\$62,957,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$2,000,000 from the general fund the second year shall be provided to Northampton County for the development of the Northampton County Community Center."

**Explanation:**

(This amendment adds \$2.0 million the second year from the general fund for the development of the Northampton County Community Center, a multi-use facility which includes space for Northampton County's emergency operations center, a temporary emergency shelter in times of natural and other disasters, recreational and educational opportunities for adults and senior citizens, and space for other governmental and private agencies for needed services for county citizens.)

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Item 357 #1c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 \$45,653 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.)

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Item 357 #2c

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 437, after line 50, insert:

“L. Out of this appropriation, \$2,528,124 the first year and \$786,369 the second year from the general fund and \$11,062,664 the first year and \$68,362 the second year from nongeneral funds shall be appropriated to fund the replacement of the agency licensing system. Any unexpended general fund balance as of June 30, 2021, related to this paragraph shall be reappropriated to continue replacement of the agency licensing system.”

**Explanation:**

(This amendment sets out the funding included in the budget for replacing the Department of Social Services' licensing system. Language allows for any unexpended funding to be reappropriated in fiscal year 2022 for this purpose. The COVID-19 public health emergency has resulted in delays in replacing the system in fiscal year 2021. A companion amendment in Item 359 allows for similar authority for system funding included in administrative budget.)

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Item 359 #1c

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 440, after line 43, insert:

"K. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund and \$125,000 the first year and \$125,000 the second year from nongeneral funds shall be appropriated to fund the replacement of the agency licensing system. Any unexpended general fund balance as of June 30, 2021, related to this paragraph shall be reappropriated to continue replacement of the agency licensing system.”



**Explanation:**

(This amendment sets out the funding included in the administrative budget for replacing the Department of Social Services' licensing system. Language allows for any unexpended funding to be reappropriated in fiscal year 2022 for this purpose. The COVID-19 public health emergency has resulted in delays in replacing the system in fiscal year 2021. A companion amendment in Item 357 allows for similar authority for system funding included in agency's budget for the regulation of adult and child welfare facilities.)

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Item 359 #2c

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 440, after line 43, insert:

"K. The Department of Social Services shall design, for consideration by the 2022 General Assembly, a program that provides a fixed reimbursement, which shall not exceed \$15 monthly, for broadband service costs for select households currently participating in the Supplemental Nutrition Assistance Program. The reimbursement payments under the program shall be structured as a direct payment to a broadband provider selected by the qualifying program participant household, provided that the selected broadband provider offers a low-cost broadband service for low-income households within its service area in the Commonwealth. The department shall develop program guidelines in coordination with the Commonwealth Broadband Chief Advisor to govern eligibility for participation in the program and disbursement of program funds. The department shall report on the program design and structure, administrative cost estimates, program guidelines, and other relevant information related to implementing the program to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021."

**Explanation:**

(This amendment directs the Department of Social Services to design a program to increase the number of low-income Virginians with access to reliable and affordable access to broadband. The department shall report on the design of such a program by November 1, 2021, for consideration by the 2022 General Assembly.)

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Item 359 #3c

**Health and Human Resources**

Department of Social Services

Language

**Language:**

*Conference Report to House Bill 1800*

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.)

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Item 359 #4c

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Social Services	(\$923,804) (\$1,224,577)	(\$923,804) (\$1,224,577)	GF 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.)

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Item 373 #1c

*Conference Report to House Bill 1800*

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 from the general fund 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 developing and nurturing watershed stewards. These funds provide for meaningful interactions and learning opportunities for students throughout the Chesapeake Bay watershed.)

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Item 373 #2c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$0	\$500,000	GF

**Language:**

Page 447, line 9, strike "\$84,750,087" and insert "\$85,250,087".

Page 450, line 43, strike "\$30,350,000" and insert "\$30,850,000".

Page 450, line 50, strike "\$500,000" and insert "\$1,000,000".

**Explanation:**

(This amendment increases the appropriation for the Virginia Conservation Assistance Program by \$500,000 the second year, bringing total funding to \$1.0 million the second year. VCAP currently has a backlog of more than \$200,000 until future funding is provided, and the restoration of the appropriation to its previous level will allow the program to meet growing demand and assist with water quality goals in urban areas.)

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Item 373 #3c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$400,000	\$400,000	GF

**Language:**

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Page 447, line 9, strike "\$105,277,058" and insert "\$105,677,058".

Page 447, line 9, strike "\$84,750,087" and insert "\$85,150,087".

Page 451, after line 36, insert:

"R. Out of the appropriation in this item, \$400,000 the first year and \$400,000 the second year from the general fund is provided to support lymgbya remediation efforts at Lake Gaston."

**Explanation:**

(This amendment provides \$400,000 from the general fund each year to support lymgbya remediation efforts at Lake Gaston. Lymgbya is an algae that can be harmful to swimmers, boaters, and underwater wildlife.)

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		Item 373 #4c	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$0	\$30,000,000	GF

**Language:**

Page 447, line 9, strike "\$84,750,087" and insert "\$114,750,087".

Page 451, line 27, strike "\$9,000,000" and insert "\$39,000,000".

Page 451, line 32, strike "\$6,300,000" and insert "\$24,570,000".

Page 451, line 34, strike "and \$2,700,000" and insert "\$10,530,000".

Page 451, line 36, after "watershed" insert:

", and an additional \$3,900,000 in addition to the base funding provided in A.1. shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts".

**Explanation:**

(This amendment increases the appropriation for agricultural best management practices by \$30.0 million from the general fund the second year, to a total of \$65 million.)

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		Item 374 #1c	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$0	\$2,000,000	GF

**Language:**

Page 451, line 38, strike "\$81,225,147" and insert "\$83,225,147".

Page 454, after line 29, insert:

"S. Out of the amounts in this item, \$2,000,000 the second year from the general fund is provided to the Northern Virginia Regional Park Authority for the purchase and conservation of

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River Farm in the City of Alexandria."

**Explanation:**

(This amendment provides \$2.0 million the second year from the general fund to support the purchase of River Farm in Alexandria by the Northern Virginia Regional Park Authority for conservation and maintenance as a publicly-accessible historic site.)

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	Item 374 #2c	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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, after 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 the second year from the general fund for the costs of connecting Mason Neck State Park to the local municipal drinking water system.)

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	Item 374 #3c	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Conservation and Recreation	\$0	\$350,000 GF

**Language:**

Page 451, line 38, strike "\$81,225,147" and insert "\$81,575,147".

Page 454, after line 29, insert:

"S. Out of the amounts in this item, \$350,000 the second year from the general fund to assist the Mendota Trail Conservancy in the restoration of abandoned railroad trestles for conversion to use as a walking and cycling trail."

**Explanation:**

(This amendment provides \$350,000 from the general fund the first year to assist the Mendota Trail Conservancy in restoring abandoned railroad trestles to convert them for use as a walking/biking trail. The requested amount will allow extension of the next section of the trail

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an additional 2.7 miles. It will include completion of trestles T-17 (82 linear feet), T-15 (56 linear feet), T-14 (71 linear feet), T-13 (84 linear feet) and a contingency.)

---

Item 374 #4c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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, after line 36, insert:

"4. In addition to the amounts provided in paragraph C.1., the Department is authorized to provide \$1,412,000 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 from the general fund 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 #5c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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, after "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 \$3,500,000 for the identification and evaluation of a project focused on the preservation of tribal lands of the Chickahominy Tribe consistent with the policies and practices of the Foundation pursuant to §10.1-1020, Code of Virginia."

Page 454, strike lines 17 through 18.

**Explanation:**

(This amendment provides for the consideration of one-time funding of up to \$3.5 million for the identification, acquisition and preservation of tribal lands for the Chickahominy Tribe.)

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Item 374 #6c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$0	(\$1,000,000)	GF

**Language:**

Page 451, line 38, strike "\$81,225,147" and insert "\$80,225,147".  
Page 454, line 19, strike "\$5,000,000" and insert "\$4,000,000".

**Explanation:**

(This amendment limits the scope of the proposed Project Harmony related to the removal and relocation of the Columbian Harmony tombstones from Virginia to the New Harmony Cemetery in Landover, Maryland.)

---

Item 374 #7c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 lines 4 through 6.

**Explanation:**

(This amendment restores \$740,000 from the general fund 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.)

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Item 376 #1c

<b>Natural Resources</b>	
Department of Environmental Quality	Language

**Language:**

Page 455, after line 29, insert:  
"C. The Department of Environmental Quality (DEQ) is directed to study the chemical

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conversion process referred to as Advanced Recycling, which includes the processes of pyrolysis, gasification, depolymerization and other processes which convert certain plastic waste into hydrocarbon raw materials. The study would include a survey of other states' approaches to regulation of Advanced Recycling, review of the operational history and environmental impacts of the industry, and recommendations for regulation of the industry in Virginia to ensure that the Commonwealth's air, water, land and other natural resources are fully protected. DEQ would include recommendations as to whether the Commonwealth's Solid Waste Management laws and Department regulations pursuant to 9VAC20-81-410 and relevant air and water permitting regulations would provide adequate regulation of the industry, or would require revision. The study would also invite input from a stakeholder advisory group convened by the agency, comprised of representatives of the chemical conversion industry, recycling industry, environmental organizations and community representatives. The Department shall provide a summary of its study and make recommendations on the regulation of the advanced recycling industry within a report submitted to the Chair of the House Agriculture Chesapeake and Natural Resources Committee and the Chair of the Senate Agriculture Conservation and Natural Resources Committee by December 31, 2021."

**Explanation:**

(This amendment directs the Department of Environmental Quality to study Advanced Recycling, and report its findings to the Chairs of the House Agriculture, Chesapeake and Natural Resources and Senate Agriculture, Conservation, and Natural Resources Committees by December 31, 2021.)

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Item 377 #1c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Environmental Quality	\$0	\$175,000	GF

**Language:**

Page 455, line 31, strike "\$52,900,649" and insert "\$53,075,649".

Page 457, after line 41, insert:

"M. Out of the amounts appropriated for this item, \$175,000 the second year from the general fund is provided for a research project to field test the effectiveness of using halophytes growing in biochar-amended soil to capture and remove salt from highway and parking lot stormwater runoff."

**Explanation:**

(This amendment provides \$175,000 the second year for a field test of using native plants to capture and remove salt from paved surface stormwater runoff.)

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Item 377 #2c



*Conference Report to House Bill 1800*

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Environmental Quality	\$0	\$1,100,000	GF

**Language:**

Page 455, line 31, strike "\$52,900,649" and insert "\$54,000,649".

Page 457, line 20, strike "L."

Page 457, strikes lines 30 through 41.

Page 457, after line 41, insert:

"L.1. Out of the amounts appropriated for this item, \$1,100,000 the second year from the general fund is to be deposited in the Virginia Stormwater Management Fund.

2. Notwithstanding § 62.1-44.15:28, as it is currently effective and as it shall become effective, Code of Virginia, the permit fee regulations adopted by the State Water Control Board pursuant to § 62.1-44.15:28, as it is currently effective and as it shall become effective, Code of Virginia, for the Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits shall be set at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits. To the extent practicable, the Board shall solicit input from affected stakeholders when establishing the new fee structure.

3. Notwithstanding § 62.1-44.19:20, Code of Virginia, the application fee schedule adopted by the State Water Control Board pursuant to § 62.1-44.19:20, Code of Virginia, shall be set at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance and enforcement of the nutrient credit certification program. To the extent practicable, the Board shall solicit input from affected stakeholders when establishing the new fee structure."

**Explanation:**

(This amendment provides \$1.1 million from the general fund the second year to be deposited in the Virginia Stormwater Management Fund, and directs the State Water Control Board to adopt a schedule that sets fees at an amount of at least 60 percent of the direct costs for the Department of Environmental Quality's administration, compliance, and enforcement activities in its stormwater management programs.)

Item 377 #3c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Environmental Quality	\$0	\$115,500	GF
	0.00	1.00	FTE

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**Language:**

Page 455, line 31, strike "\$52,900,649" and insert "\$53,016,149".

**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 House Bill 2148 and Senate Bill 1207 of the 2021 General Assembly.)

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Item 377 #4c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Environmental Quality	\$0	\$230,000	GF
	0.00	2.00	FTE

**Language:**

Page 455, line 31, strike "\$52,900,649" and insert "\$53,130,649".

Page 457, after 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 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 Senate Bill 1258 of the 2021 General Assembly.)

---

Item 377 #5c

**Natural Resources**

Department of Environmental Quality

Language

**Language:**

Page 457, after 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

*Conference Report to House Bill 1800*

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 #6c

**Natural Resources**

Department of Environmental Quality

Language

**Language:**

Page 457, after 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 378 #1c

**Natural Resources**

Department of Environmental Quality

Language

**Language:**

Page 458, line 31, after "Department." strike the rest of the line.

Page 458, strike lines 32 through 37.

Page 458, line 40, strike "December 31" and unstrike "July 1".

**Explanation:**

(This amendment removes proposed language included in the budget as introduced which would speculatively permit the use of hydrofluorocarbons in manufacturing processes that are currently prohibited from being used.)

---

Item 379 #1c

**Natural Resources**

**FY20-21**

**FY21-22**

Department of Environmental Quality

\$0

\$25,000,000

GF

**Language:**

Page 458, line 46, strike "\$61,313,511" and insert "\$86,313,511".

Page 459, after line 39, insert:

"3. Out of amounts in this item, \$25,000,000 the second year from the general fund is provided for deposit in the Stormwater Local Assistance Fund."

**Explanation:**

(This amendment provides \$25.0 million from the general fund the second year for deposit in the Stormwater Local Assistance Fund for stormwater quality retrofits and upgrades.)

---

Item 382 #1c

**Natural Resources**

Department of Game and Inland Fisheries

Language

**Language:**

Page 461, after line 25, insert:

"Notwithstanding § 29.1-113 of the Code of Virginia, access fees at boat ramps owned or managed by the Department of Wildlife Resources (DWR) shall not be assessed prior to July 1, 2022, pending a study by DWR on the costs and benefits of such fees and the impact 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, environmental education providers, and other non-registered vessel recreational users of such boat ramps, or other affected parties the Department deems necessary. The work group shall consider mechanisms that will decrease the burden on outfitters, customers, education providers, and non-profit organizations; the usage of access fees to maintain or improve existing boat ramps and to add new boat ramps, paddlecraft launches, and public access points on Department-owned property; and alternative funding mechanisms and strategies that can increase access by economically disadvantaged users. DWR shall submit a report on the work group's recommendations to the Governor, the Secretary of Natural Resources, the House Agricultural, Chesapeake and Natural Resources Committee, the Senate Agricultural, Conservation and Natural Resources Committee, the House Appropriations Committee and the Senate Finance and Appropriations Committee by December 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, and directs the Department to study the costs and benefits of such access fees.)

---

Item 383 #1c

**Natural Resources**

Department of Game and Inland Fisheries

Language

**Language:**

Page 461, strike lines 35 through 44.  
Page 461, line 45, strike "C" and insert "B".  
Page 461, line 48, strike "D" and insert "C".  
Page 462, line 21, strike "E" and insert "D".

**Explanation:**

*Conference Report to House Bill 1800*

(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.)

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Item 383 #2c

**Natural Resources**

Department of Game and Inland Fisheries

Language

**Language:**

Page 462, after 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 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 #1c

**Natural Resources**

**FY20-21**

**FY21-22**

Department of Historic Resources

\$0  
0.00

\$250,000 GF  
1.00 FTE

**Language:**

Page 462, line 43, strike "\$8,020,283" and insert "\$8,270,283".

Page 466, after 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 385 #2c

**Natural Resources**

Department of Historic Resources

Language

**Language:**

Page 463, strike lines 3 through 6 and insert:

"A. Consistent with the provisions of § 4-13.00 of this act, general fund appropriations for historic and commemorative attractions identified within this item or for the purposes stated in § 10.1-2211.1 or § 10.1-2211.2, Code of Virginia, shall be disbursed as described within this item and shall not be subject to any other restrictions or statutory requirements unless specified within this item. Any other general fund appropriations for historic and commemorative attractions shall be matched by local or private sources, either in cash or in-kind, in amounts at least equal to the appropriation and which are deemed to be acceptable to the department."

**Explanation:**

(This amendment clarifies legislative intent with respect to the disbursement of funding appropriated for financial assistance for historic preservation and commemorative attraction management.)

---

Item 385 #3c

**Natural Resources**

**FY20-21**

**FY21-22**

Department of Historic Resources

\$0  
0.00

\$159,479 GF  
1.50 FTE

**Language:**

Page 462, line 43, strike "\$8,020,283" and insert "\$8,179,762".

Page 466, after line 12, insert:

"W. Consistent with the provisions of § 10.1-2214, Code of Virginia, \$159,479 the second year from the general fund is provided to establish an underwater archaeology program."

*Conference Report to House Bill 1800*

**Explanation:**

(This amendment restores \$159,479 the second year from the general fund for the Department of Historic Resources to establish an underwater archaeology program.)

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Item 385 #4c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Historic Resources	\$255,000	\$0 GF

**Language:**

Page 462, line 43, strike "\$14,460,016" and insert "\$14,715,016".

Page 466, after line 12, insert:

"W. Out of the amounts for Financial Assistance for Historic Preservation, \$255,000 the first year from the general fund shall be provided to the County of Loudoun as a one-time grant to the Loudoun Freedom Center for the African American Museum and History Education program."

**Explanation:**

(This amendment provides \$255,000 the first year from the general fund for the County of Loudoun to provide support to the Loudoun Freedom Center for its activities related to the African American Museum and History Education.)

---

Item 385 #5c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Historic Resources	\$570,000	\$0 GF

**Language:**

Page 462, line 43, strike "\$14,460,016" and insert "\$15,030,016".

Page 466, after line 12, insert:

"W. Out of the amounts in this item, \$570,000 the first year from the general fund is provided to the County of Appomattox for renovation of facilities of the Carver Price Legacy Museum."

**Explanation:**

(This amendment provides \$570,000 from the general fund the first year to Appomattox County for renovations at the Carver Price Legacy Museum.)

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Item 385 #6c



*Conference Report to House Bill 1800*

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Historic Resources	\$500,000	\$0 GF

**Language:**

Page 462, line 43, strike "\$14,460,016" and insert "\$14,960,016".

Page 466, after line 12, insert:

"W. Out of the amounts in this item, \$500,000 the first year from the general fund is provided to the City of Richmond for support of The JXN Project."

**Explanation:**

(This amendment provides \$500,000 from the general fund the first year to the City of Richmond to support the JXN Project.)

---

Item 385 #7c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Historic Resources	\$3,000,000	\$0 GF

**Language:**

Page 462, line 43, strike "\$14,460,016" and insert "\$17,460,016".

Page 466, after line 12, insert:

"W. Out of the amounts in this item, \$3,000,000 the first year from the general fund is provided to the City of Chesapeake for support of a historic and cultural attraction commemorating the Underground Railroad."

**Explanation:**

(This amendment provides \$3.0 million the first year for the City of Chesapeake for to support a cultural attraction commemorating the Underground Railroad.)

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Item 386 #1c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
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".

**Explanation:**

(This amendment restores operational and administrative support at the Department of Historic Resources that was approved during the 2020 Session, but subsequently unallotted.)

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Item 391 #1c

**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 assess the need for, potential benefits and feasibility of implementing, and staffing and other associated costs of establishing an Office of the Ombudsman within the Department of Corrections. The Secretary shall identify the staffing and associated costs necessary for the Ombudsman to, at a minimum, (i) provide information to inmates and family members, DOC employees and contractors, and others regarding the rights of inmates; (ii) monitor the conditions of confinement; (iii) provide technical assistance to support inmate participation in self-advocacy; (iv) provide technical assistance to local governments in the creation of correctional facility oversight bodies; (v) establish a statewide uniform reporting system to collect and analyze data related to complaints received by the Department of Corrections; (vi) gather stakeholder inputs into the Office of the Ombudsman's activities and priorities; (vii) inspect each state correctional facility at least once every three years, and at least once every year for maximum security facilities; (viii) publicly provide facility inspection reports; (ix) conduct investigations of complaints made by inmates, family members, and advocates; and (x) the efficacy of expanding alternative methods of oversight to include the direct oversight of the Department by the Board of Local and Regional Jails or similar entity. In conducting this assessment, the Secretary shall consult with representatives of social justice or civil rights organizations, advocates for inmates or the families of inmates, national experts or similar ombudsmen and correctional oversight offices and programs in other states, and other stakeholders identified by the Secretary. The Secretary shall develop a report of the findings and shall provide such report detailing the findings to the Chairs of the House Public Safety, House Appropriations, Senate Judiciary, and Senate Finance and Appropriations Committees no later than December 1, 2021."

**Explanation:**

(This amendment directs the Secretary of Public Safety and Homeland Security to assess the costs of establishing an Office of the Department of Corrections Ombudsman.)

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Item 391 #2c

**Public Safety and Homeland Security**

*Conference Report to House Bill 1800*

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 394 #1c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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".

Page 472, after line 23, insert:

"G. Included in the appropriation for this Item \$1,000,000 the second year from the Enterprise Fund to support enforcement activities related to the unlawful direct shipment into Virginia of alcoholic beverages by unlicensed businesses and fulfillment centers."

**Explanation:**

(This amendment provides \$1.0 million from the nongeneral fund the second year for the Bureau of Law Enforcement to increase its ability to address unlawful direct shipment into Virginia of alcoholic beverages by unlicensed businesses and fulfillment centers. These unlicensed businesses and fulfillment centers, based on reports by common carriers and compiled by ABC, represent significant unrealized revenue for the Commonwealth and negatively impact lawful Virginia businesses' opportunities. The increased positions include four (4) auditors, three (3) non-sworn compliance agents, two (2) special agents and one (1) license technician.)

---

Item 394 #2c

**Public Safety and Homeland Security**

Virginia Alcoholic Beverage Control Authority

Language

**Language:**

Page 472, strike lines 18 through 23.

**Explanation:**

(This amendment removes language included in the introduced budget authorizing a line of credit for the Alcoholic Beverage Control Authority to assume regulation of a legalized cannabis marketplace. House Bill 2312 establishes the Virginia Cannabis Control Authority to regulate the legal market, making the line of credit authorization for ABC unnecessary.)

---

Item 400 #1c

**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 provides a \$500 bonus for each correctional officer at Lawrenceville Correctional Center, employed by a private contractor that operates the facility, and is expended only for such purpose.)

---

Item 400 #2c

**Public Safety and Homeland Security**

Department of Corrections

**FY20-21**

**FY21-22**

\$0  
0.00

\$471,420 GF  
5.00 FTE

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**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 #3c

**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. Included in this appropriation is \$250,000 the second year from the general fund for the expansion and subsidization of the family video visitation services in its secure correctional facilities."

**Explanation:**

(This amendment provides \$250,000 the second year from the general fund to expand inmate access to and offset inmate costs of using prison family video visitation services. The purpose of this legislative 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, to decrease the likelihood of recidivism and to reduce State financial burdens by actively engaging non-custodial parents in the support and parenting of their children. This amendment is also intended to subsidize rates to assure family visitations. This program strategy focuses on meeting the challenges that impede family reunification and is integrated into other transitional programs that establish, reestablish or maintain family ties and communications.)

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Item 402 #1c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Corrections	\$0	\$577,376	GF

**Language:**

Page 479, line 35, strike "\$180,965,434" and insert "\$181,542,810".

Page 483, after line 31, insert:

"Y. Included in the appropriation for this item is \$577,376 the second year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. House Bill 2063 -- \$50,000
2. House Bill 2113 and Senate Bill 1339 -- \$50,000
3. House Bill 2132 -- \$50,000
4. House Bill 2194 and Senate Bill 1113 -- \$50,000
5. House Bill 2263 -- \$77,376
6. House Bill 2276 -- \$50,000
7. House Bill 1890 -- \$50,000
8. House Bill 2312 and Senate Bill 1406 -- \$50,000
9. Senate Bill 1461 -- \$50,000
10. Senate Bill 1310 -- \$50,000
11. Senate Bill 1395 -- \$50,000".

**Explanation:**

(This amendment provides \$577,376 the second year for a Corrections Special Reserve Fund deposit to reflect the indeterminate bedspace impact of House and Senate bills that were adopted.)

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Item 402 #2c

**Public Safety and Homeland Security**

Department of Corrections

Language

**Language:**

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Page 481, line 54, after "Q." insert "1."

Page 482, after line 3, insert:

"2. 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 and the sufficiency of its on-going funding for full implementation at all facilities. The report shall identify all funding currently budgeted for the project, the timeline for implementation, and the inter-operability of the system with the information technology systems used by the Department and its vendors. The Department shall utilize its nongeneral funds appropriated for this purpose prior to using the general fund appropriation. The Department shall provide a report containing the aforementioned information to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees within 60 days of selecting its vendor."

**Explanation:**

(This amendment provides that the Department of Corrections report on the costs and timeline for implementing electronic health records across its facilities within 60 days of selecting a vendor.)

---

Item 406 #1c

**Public Safety and Homeland Security**

Department of Criminal Justice Services

Language

**Language:**

Page 490, strike lines 14 through 58.

**Explanation:**

(This amendment strikes language regarding pre-trial data collection by the Department of Criminal Justice Services. Such responsibilities will be assumed by the Virginia Criminal Sentencing Commission pursuant to House Bill 2110.)

---

Item 406 #2c

**Public Safety and Homeland Security**

**FY20-21**

**FY21-22**

Department of Criminal Justice  
Services

\$0

\$250,000 GF

**Language:**

Page 485, line 38, strike "\$148,337,958" and insert "\$148,587,958".

Page 491, after line 32, insert:

"T. Included in the appropriation for this item is \$250,000 the second year from the general fund as a one-time appropriation for the Big H.O.M.I.E.S. program."

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**Explanation:**

(This amendment provides \$250,000 million the second year for the Big H.O.M.I.E.S. program, a community-based nonprofit that focuses on reducing gun violence in the City of Portsmouth and Hampton Roads. The program's focus is the promotion of positive relationships, extracurricular activities, community services, sports activities, and the operation of a safe house for community youth.)

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Item 410 #1c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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 410 #2c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Emergency Management	\$0	\$96,000	GF
	0.00	1.00	FTE

**Language:**

Page 493, line 24, strike "\$28,699,285" and insert "\$28,795,285".

Page 494, after line 35, insert:

"G. Out of this appropriation, \$96,000 the second year from the general fund to establish the Partners in Preparedness Program."

**Explanation:**

(This amendment provides \$96,000 the second year for a program manager position that will be responsible for the creation and coordination of a formalized Partners in Preparedness Program and community outreach campaign. This position will work to ensure that the agency thoroughly engages with partners that can promote and enhance programs and communication by serving as trusted messengers within their communities. These partners come from all



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industries including but not limited to advocacy groups; education; business/commerce; faith-based; health care; nonprofits; and government agencies. This program will be data-driven and provide critical resources and support needed to be prepared and resilient, including but not limited to preparedness brochures, real-time emergency information, and access to disaster-focused webinars, forums, town halls, and other events. The position would be responsible for engaging with all VDEM divisions and the Virginia Emergency Support Team to ensure response and recovery plans and procedures take equity and inclusion into consideration and serve as a liaison during disasters to vulnerable communities by working with the trusted community partners.)

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Item 411 #1c

**Public Safety and Homeland Security**

**FY20-21**

**FY21-22**

Department of Emergency  
Management

(\$31,144,081)

(\$15,855,919) GF

**Language:**

Page 494, line 37, strike "\$65,063,392" and insert "\$33,919,311".

Page 494, line 37, strike "\$60,028,025" and insert "\$44,172,106".

Page 495, line 35, strike "\$31,144,081 the first year and \$27,480,390" and insert: "\$11,624,471".

**Explanation:**

(This amendment removes \$31.1 million from the general fund the first year and \$15.9 million from the general fund the second year proposed in the introduced budget for the Virginia Department of Emergency Management to use for the purchase of personal protective equipment. The Department received a \$47.0 million reimbursement from the Federal Emergency Management Agency that may be used for such purpose.)

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Item 423 #1c

**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

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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 423 #2c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Juvenile Justice	\$0	\$435,278	GF
	\$0	(\$435,278)	NGF

**Language:**

**Explanation:**

(This amendment reflects a reduction of \$435,278 from the nongeneral fund and corresponding increase of \$435,278 from the general fund in the second year to reflect House Bill 1912, which prohibits the collection of child support payments from the parents of juveniles temporarily in the custody of the Department of Juvenile Justice.)

Item 425 #1c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of State Police	\$0	\$145,074	GF
	0.00	2.00	FTE

**Language:**

Page 507, line 7, strike "\$74,070,135" and insert "\$74,215,209".

**Explanation:**

(This amendment provides \$145,074 from the general fund the second year for two program support technicians at State Police to comply with the provisions of House Bill 2004.)

Item 425 #2c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of State Police	\$0	\$100,000	GF

**Language:**

Page 507, line 7, strike "\$74,070,135" and insert "\$74,170,135".

**Explanation:**

(This amendment provides \$100,000 from the general fund the second year for the one-time costs of modifying the Virginia Criminal Information Network to comply with the provisions of House Bill 2163.)

Item 425 #3c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of State Police	\$0 0.00	\$13,019,984 4.00	GF FTE

**Language:**

Page 507, line 7, strike "\$74,070,135" and insert "\$87,090,119".

Page 509, after line 10, insert:

"Q. Included in the appropriation for this item is \$12,581,520 the second year from the general fund for the one-time update and replacement of information technology systems required to implement an automatic expungement process pursuant to legislation adopted by the 2021 Session of the General Assembly.

R. Included in the appropriation for this item is \$438,464 the second year from the general fund and four positions for the ongoing costs of operating an automatic expungement process pursuant to legislation adopted by the 2021 Session of the General Assembly."

**Explanation:**

(This amendment provides \$13.1 million from the general fund the second year for the one-time and ongoing costs of implementing and operating an automatic expungement process for certain offenses pursuant to House Bill 2113 and Senate Bill 1339.)

Item 425 #4c

**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

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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 425 #5c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of State Police	\$0	\$301,194	GF
	0.00	3.00	FTE

**Language:**

Page 507, line 7, strike "\$74,070,135" and insert "\$74,371,329".

Page 509, after line 10, insert:

"Q. Out of this appropriation, \$301,194 the second year from the general fund is provided to the Department of State Police for three positions for cold case investigators to support efforts to resolve such cases."

**Explanation:**

(This amendment provides \$301,194 the second year from the general fund and three positions in the second year to support three 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 426 #1c

<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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:

"2. The Department of Planning and Budget shall unallot the appropriation provided in Paragraph R.1. at the beginning of fiscal year 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. The department shall also report on alternate resources that may be used to support the expense of vehicle replacements, to include special revenue sources, as well as vacancy savings related to both sworn and non-sworn positions; current and future commitments of such funds shall be identified if they prevent the use of such funds for the purposes of vehicle replacement. 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 funding is in addition to 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 together with the rationale for the agency's preferred manufacturer and vehicle type over the others.)

---

Item 430 #1c

**Transportation**

Secretary of Transportation

Language

**Language:**

Page 516, line 46, after "L." strike "The" and insert:

"In recognition of the funds provided in subsection B 6 of Item 447.10, the".

Page 516, line 46, strike "establish within the Transit" and insert:

"use \$3,600,000 in the second year from the Transit Ridership Incentive Program for regional connectivity programs focused on congestion reduction and mitigation through provision of

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long-distance commuter routes."

Page 516, strike line 47 through 50.

Page 516, line 51, strike:

"achieve maximum congestion mitigation and passenger miles traveled."

Page 516, line 54, strike "2021" and insert "2022".

Page 518, after line 42, insert:

"Q. It is the intent of the General Assembly that state funds in the Commonwealth Transportation Fund and federal funds provided on a recurring, non-one-time basis, for surface transportation be distributed and allocated at the discretion of the entities responsible for such funds based on the policy direction and requirements set forth in the Code of Virginia."

**Explanation:**

(This amendment, along with a companion amendment in Item 447.10 expresses the General Assembly's intent to earmark one-time general funds and federal transportation funds provided for COVID relief to specific transportation projects listed in the amendment under Item 447.10.)

---

Item 430 #2c

**Transportation**

Secretary of Transportation

Language

**Language:**

Page 518, after line 42, insert:

"Q. Notwithstanding the provisions of § 33.2-3603, Code of Virginia, the I-81 Advisory Committee shall be required to meet at a minimum of two times a year, with additional meetings called at the discretion of the Chair."

**Explanation:**

(This amendment modifies the meeting requirements, currently included in the Code, for the I-81 Advisory Committee.)

---

Item 436 #1c

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 523, after 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.)

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Item 443 #1c

<b>Transportation</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Rail and Public Transportation	\$0	(\$50,000,000)	GF

**Language:**

Page 527, line 28, strike "\$247,112,195" and insert "\$197,112,195".  
Page 528, strike lines 39 through 43.

**Explanation:**

(This amendment removes \$50.0 million in general funds included in the introduced budget to support the extension of passenger rail service between Roanoke and Washington DC. A companion amendment under Item 447.10 appropriates both general fund and nongeneral fund money to support this and a series of other transportation initiatives.)

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Item 446 #1c

<b>Transportation</b>	
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 expended due to COVID. The next conference is scheduled to be held in Washington D.C. in January 2022.)

Item 446 #2c

**Transportation**

Department of Transportation

Language

**Language:**

Page 530, after line 27, insert:

"F. The Department of Transportation, with the assistance of the Virginia Institute for Marine Science, shall provide an annual update on the status of the Coastal Virginia Transportation Infrastructure Inundation Study no later than December 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, Chairs of the House and Senate Transportation Committees, Chair of the Joint Subcommittee on Coastal Flooding and Adaptation, and the Secretaries of Transportation and Natural Resources. The report shall include at a minimum: an up-to-date identification of at-risk rural, suburban and urban infrastructure, and planning and options to mitigate or eliminate the identified risks; and a report on what work remains to be completed and estimated time frame for the completion of its work."

**Explanation:**

(This amendment includes language requiring VDOT to report annually on the status of what transportation infrastructure in the Coastal Shore region is at risk to inundation from sea-level rise and what is being done to address the concerns.)

---

Item 447 #1c

**Transportation**

Department of Transportation

Language

**Language:**

Page 532, after line 8, insert:

"I. In the instance where there is a reduction in the prescribed weight of any vehicle or combination of vehicles passing over any bridge, or bridges constituting a part of the interstate, primary, or secondary system of highways, in addition to posting signage in accordance with § 46.2-1104, *Code of Virginia*, the Department shall make a good faith effort to notify businesses in the surrounding area of the reduction in prescribed weight via electronic, telephone or mail as well as posting in local media in the surrounding localities. The Department shall continue to maintain an updated website, and related social media pages, and shall work with its local partners to develop an electronic communication list to facilitate seamless notification of all businesses using the route for transportation purposes in the surrounding area."

**Explanation:**



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(This amendment is intended to ensure adequate notification is provided by VDOT when there is a change in the prescribed weight of any vehicle or combination of vehicles passing over any bridge.)

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<b>Transportation</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Transportation	\$0	(\$5,000,000)	GF

Item 447 #2c

**Language:**

Page 530, line 29, strike "\$3,783,863,742" and insert "\$3,778,863,742".  
Page 532, strike lines 5 through 8.

**Explanation:**

(This amendment removes \$5.0 million in general funds included in the introduced budget to support the planning and development of multi-use trails. A companion amendment under Item 447.10 appropriates both general fund and nongeneral fund money to support this and a series of other transportation initiatives.)

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<b>Transportation</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Transportation	\$0	\$55,000,000	GF
	\$233,400,000	\$0	NGF

Item 447.10 #1c

**Language:**

Page 532, after line 8, insert:

"A. The funds appropriated in this section represent one-time federal funds, one-time general funds and uncommitted state funds in special programs for economic development and access purposes from previous fiscal years, and as such their appropriation is not subject to the intent in subsection Q of Item 430.

B. Included in this item are \$233,400,000 in the first year in public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260), \$20,000,000 in the first year out of uncommitted balances in the Transportation Partnership Opportunity Fund established pursuant to § 33.2-1528.1., Code of Virginia, \$15,000,000 in the first year in uncommitted balances previously allocated for Financial Assistance for Planning, Access Road, and Special Projects (60704), and \$55,000,000 in the second year from the general fund. These funds shall be used by the Commonwealth Transportation Board support the following initiatives:

1. Up to \$83,500,000 shall be transferred to Item 443 to extend intercity passenger rail service

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from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increase the frequency of intercity passenger rail service along the I-81/Route 29 Corridor from Washington, DC;

2. Up to \$83,500,000 shall be transferred to Item 442 to improve commuter rail service on the Virginia Railway Express Manassas Line;

3. Up to \$93,100,000 shall be transferred to Item 447 for improvements to the Interstate 64 Corridor as follows: (i) to provide any amounts necessary to complete the funding plan for the Hampton Roads Express Lanes as identified in the Master Agreement for Development and Tolling of the Hampton Roads Express Lanes Network executed pursuant to Chapter 703 of the 2020 Acts of Assembly, and (ii) any remaining amounts to improve Interstate 64 between exit 205 and exit 234 as determined by the Commonwealth Transportation Board;

4. Up to \$32,400,000 shall be transferred to Item 442 with an amount necessary to ensure the Commonwealth can provide its share of the dedicated regional funding for the Washington Metropolitan Area Transit Authority for fiscal year 2022 to be deposited into the Washington Metropolitan Area Transit Authority Capital Fund (60905) established pursuant to § 33.2-3401, Code of Virginia, and any amounts remaining after that shall be provided to the Northern Virginia Transportation Commission to reduce the fiscal year 2022 operational obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus and MetroAccess services;

5. Up to \$10,000,000 shall be transferred to Item 447 for regional trails to support the planning, development and construction of multi-use trails with priority given by the Board to developing new regionals trails, to projects to improve connectivity of existing trail networks, and to geographic diversity in the use of such funds;

6. Up to \$10,900,000 shall be transferred to Item 442 and used for purposes set forth in subsection F of § 33.2-1526.1:2, Code of Virginia, to establish pilot programs for fare-free transit with urban and rural transit providers, and an amount not to exceed \$900,000 may be used to study transit equity and modernization in the Commonwealth; and,

7. Up to \$10,000,000 shall be transferred to Item 447 for a connected infrastructure redevelopment demonstration program within and adjacent to the Virginia Tech campus in the City of Falls Church.

C. The Commonwealth Transportation Board shall provide an interim report to the Governor and the General Assembly on the use of the funds provided by this item no later than November 1, 2021 and a final report to the Governor and the General Assembly no later than June 30, 2022.

D. Any funds not allocated by June 1, 2022 for the purposes set forth in this section shall be transferred to Item 448 and used to support additional pavement and bridge maintenance pursuant with the Department of Transportation's asset management practices developed pursuant to § 33.2-352, Code of Virginia.

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E. As a part of the initiative described in subsection B.1. of this item, the Secretary of Transportation shall provide an assessment of both the total project costs and incremental costs resulting from (i) the extension of intercity passenger rail to Bristol, Virginia; and (ii) 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 November 15, 2021.

F. For amounts available pursuant to subsection B.3. of this item, the Board shall not distribute any funds for the Hampton Roads Express Lanes Network until updated traffic and revenue modeling considering summer weekend traffic volumes is completed and the amount necessary to complete the funding plan, if any, is determined by the Hampton Roads Transportation Accountability Commission in coordination with the Board. In the event that funds are available to improve the Interstate 64 corridor between exit 205 and exit 234, the Board shall coordinate with the Central Virginia Transportation Authority to determine whether there is an opportunity to partner with the Authority on such improvements.

G. As a part of the initiative described in subsection B.5., the Office of Intermodal Planning and Investment shall coordinate a policy working group comprised of representatives from the Department of Transportation, the Department of Rail and Public Transportation, the Department of Conservation and Recreation, the Statewide Trails Advisory Committee, staff of the House Appropriations Committee, and staff of the Senate Finance and Appropriations Committee. The working group shall evaluate and recommend a prioritization process for the identification of new multi-use trail opportunities, a master planning process, and a funding needs assessment. The Office of Intermodal Planning shall report on the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2021.

H. For the amounts available pursuant to subsection B.7., the Board shall not distribute any funds for the connected infrastructure redevelopment demonstration program unless the entity implementing and managing the demonstration program has entered into an agreement with the Department of Transportation to facilitate information sharing and knowledge exchange.

I. In carrying out the intent of this item, the federal funds provided in this item may be exchanged for existing state funds, as needed and at the discretion of the Commonwealth Transportation Board, to meet federal eligibility requirements provided the amount of the funding exchanged does not reduce or increase total funding available for the 2021 Transportation Funding Initiative.

J. If additional one-time, supplemental federal funds in excess of \$55,000,000, with eligibilities similar to the public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplement Appropriations Act (P.L. 116-260), is provided by the Federal Highway Administration to the Commonwealth prior to June 30, 2021, then the Director of the Department of Planning and Budget shall unallot the \$55,000,000 in general funds in this item. Further it is the intent of the General Assembly that the provisions of subsection A. of this item apply to any such additional, supplemental federal funds described in

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this subsection."

Page 532, after line 8, insert:

"447.10 2021 Transportation Funding Initiative	\$233,400,000	\$55,000,000
Fund Sources:		
General	\$0	\$55,000,000
Federal Trust	\$233,400,000	\$0 "

**Explanation:**

(This amendment provides a total of \$323.4 million to establish the 2021 Transportation Funding Initiative comprised of one-time federal Coronavirus relief funding, existing program balances, and general funds. The Initiative provides funding for a variety of statewide funding programs and projects including expansion of intercity and commuter passenger rail programs, completion of the Hampton Roads Express Lanes network, capacity expansion of the Interstate 64 Corridor in Richmond, fare-free transit demonstration projects, statewide multiuse trails, and an urban connected infrastructure demonstration project.)

---

Item 451 #1c

**Transportation**

Department of Transportation

Language

**Language:**

Page 534, after line 28, insert :

"G. Notwithstanding the provisions of § 33.2-1509, *Code of Virginia*, and consistent with the provisions of § 4-13.00 of this Act, no locality that has been allocated funds for a bonded project by the Commonwealth Transportation Board pursuant to § 33.2-1509, *Code of Virginia*, shall be required to repay such funds during the 48-month period beginning on the effective date of this act, provided that all of the other conditions of the Commonwealth Transportation Board's economic development access policy are met".

**Explanation:**

(This amendment gives localities who have received funds through the Economic Development Access Program a 48-month moratorium before repayment would be required.)

---

Item 461 #1c

**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 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 462 #1c

**Veterans and Defense Affairs**

Secretary of Veterans and Defense Affairs

Language

**Language:**

Page 545, line 47, strike "Langley Air Force".

Page 545, line 47, after "of" insert:

"Joint Base Langley Eustis".

Page 545, line 48, strike "Base".

**Explanation:**

(This amendment makes a technical change to reflect the 2010 consolidation of Langley Airforce Base to Joint Base Langley Eustis.)

Item 464 #1c

**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

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the position is \$125,200.)

---

		Item 465 #1c	
<b>Veterans and Defense Affairs</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Veterans Services	\$0	\$5,000,000	GF

**Language:**

Page 548, line 26, strike "\$5,812,068" and insert "\$10,812,068".

Page 548, after line 45, insert:

"B. Included in the appropriation for this item, \$5,000,000 the second year from the general fund to Fairfax County for construction of the Warrior Field & Plaza and Memorial Garden, and other projects within the National Museum of the United States Army."

**Explanation:**

(This amendment provides \$5.0 million from the general fund the second year to Fairfax County for projects within the National Museum of the United States Army.)

---

		Item 477 #1c	
<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$0	\$7,457,992	GF

**Language:**

Page 554, line 9, strike "\$138,332,991" and insert "\$145,790,983".

Page 566, after line 4, insert:

"NN. Included in the appropriation for this item is \$7,457,992 from the general fund in the second year, which shall be made available to provide corrections and law-enforcement staff of the Department of Corrections and the Department of Juvenile Justice, who were employed as of November 24, 2021, a one-time bonus payment of \$1,000 on December 1, 2021."

**Explanation:**

(This amendment provides \$7.5 million from the general fund in fiscal year 2022 to provide a \$1,000 one-time bonus for correctional officers at DOC and DJJ.)

---

		Item 477 #2c	
<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$0	\$146,111,498	GF

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**Language:**

Page 554, line 9, strike "\$138,332,991" and insert "\$284,444,489".

Page 562, unstrike lines 21 through 47.

Page 562, line 21, strike:

"Contingent on the provisions of paragraph U.1. above, \$109,353,218" and insert:

"Out of the appropriation for this item, \$182,139,271".

Page 562, line 23, strike "three" and insert "5.0".

Page 563, unstrike lines 1 through 48.

Page 563, line 15, strike "three" and insert "5.0".

Page 563, line 33, strike "three" and insert "5.0".

Page 563, line 37, strike "three" and insert "5.0".

Page 563, line 38, strike:

"Contingent on the provisions of paragraph U.1. above; the" and insert:

"The".

Page 563, line 39, after "by" strike "three" and insert "5.0".

Page 564, unstrike lines 1 through 5.

Page 564, line 4, strike "28,897,190" and insert "\$48,251,656".

Page 564, unstrike lines 22 through 25.

Page 564, line 22, strike:

"Contingent on the provisions of paragraph U.1. above; included" and insert:

"Included".

Page 564, line 23, after "is" strike "\$2,290,800" and insert "\$5,771,428".

Page 564, line 23, after "a" strike "three" and insert "5.0".

Page 565, strike lines 5 through 51.

Page 566, after line 4, insert:

"NN. In addition to the increase authorized in paragraph X. of this item, \$4,543,944 from the general fund in the second year is provided for an additional 3.0 percent salary increase for the Sworn employees of the Department of State Police effective June 10, 2021.

OO. 1. Subsequent to effectuating the salary adjustment authorized in paragraphs X. and NN. of this item, the base salary of Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive a salary adjustment of \$100 for each full year of service up to thirty years, to address state employee salary compression, effective June 10, 2021.

2. Out of the general fund appropriation for this Item is included \$3,161,200 from the general fund in the second year to support the cost of the compression adjustment.

PP. The Department of Human of Resources is authorized to adjust the minimum and maximum salary ranges as needed to reflect the salary increases approved in this Item.

QQ. 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 five percent increase, on average. In addition, in

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recognition of differing financial circumstances and factors at this time, the governing authorities shall have the flexibility, for employee groups other than for classified employees, to decide to provide for an overall percentage increase that is less than five percent overall."

**Explanation:**

(This amendment provides funding and authorization to provide a 5.0 percent salary increase for state employees, adjunct faculty, and state supported local employees. The amendment provides an additional 3.0 percent salary adjustment and a compression adjustment of \$100 per year of service for sworn officers of the State Police, and provides additional flexibility to higher education institutions in the provision of the salary increase to non-classified employees. The amendment redirects \$97.8 million from the general fund included in the introduced budget for employee bonuses and adds \$146.1 million from the general fund to fund the estimated total cost of the salary increases at \$243.9 million.)

---

Item 477 #3c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$2,000,000	\$76,000	GF

**Language:**

Page 554, line 9, strike "\$17,993,004" and insert "\$15,993,004".

Page 554, line 9, strike "\$138,332,991" and insert "\$138,408,991".

Page 560, line 53, strike "\$717.31" and insert "722.55".

Page 561, line 3, strike "\$211,347" and insert "\$160,347".

Page 561, line 4, strike "to support" and insert "savings for".

Page 561, line 7, after "R." insert "1."

Page 561, line 8, strike "\$626,414" and insert "\$601,414".

Page 561, line 11, insert:

"2. In addition to the amount listed in paragraph R.1. above, \$2,000,000 from the general fund in the first year is included to support the retroactive provisions of House Bill 2207 and Senate Bill 1375 of the 2020 General Assembly session. If the final enactment of these bills do not provide for retroactive coverage than the Director of the Department of Planning and Budget shall unallot the \$2,000,000 prior to June 30, 2021."

**Explanation:**

(This amendment provides \$2.0 million the first year and \$76,000 the second year from the general fund pursuant to the passage of legislation during the 2021 General Assembly Session establishing a presumption that COVID-19 is a work related disease for first responders under the Workers' Compensation Act (House Bill 2207 and Senate Bill 1375) and legislation including giving localities the option of adding EMS workers to the workers' compensation presumption clause pursuant to hypertension or heart disease (House Bill 1818 and Senate Bill



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1275) . The amendment adjusted funding for the state employee workers' compensation premiums as well as the Line of Duty Act program, which is also impacted.)

---

Item 479 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$0	\$257,000	GF

**Language:**

Page 567, line 23, strike "\$44,188,052" and insert "\$44,445,052".

Page 572, after line 18, insert:

"V. Out of this appropriation, \$257,000 the second year from the general fund is provided to support the removal of the Harry F. Byrd statue from Capitol Square. The Director, Department of Planning and Budget is authorized to transfer this amount to the Department of General Services pursuant to the passage of House Bill 2208 of the 2021 General Assembly."

**Explanation:**

(This amendment provides \$257,000 in the second year from the general fund to remove the statue of Harry F. Byrd from Capitol Square, pursuant to the provisions of House Bill 2208 of the 2021 General Assembly.)

---

Item 479 #2c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	(\$100,000)	\$0	GF

**Language:**

Page 567, line 23, strike "\$14,869,500" and insert "\$14,769,500".

Page 572, strike lines 12 through 15.

**Explanation:**

(This amendment moves \$100,000 in the first year from the general fund for the Emancipation and Freedom Monument to the Dr. Martin Luther King, Jr. Memorial Commission in the Legislative Department.)

---

Item 479 #3c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$0	\$3,500,000	GF

**Language:**

Page 567, line 23, strike "\$44,188,052" and insert "\$47,688,052".

Page 572, after line 18, insert:

"V. Included in the appropriation for this item is \$3,500,000 the second year from the general fund for the initial operating costs of the Virginia Cannabis Control Authority, created pursuant to House Bill 2312 and Senate Bill 1406 of the 2021 Special Session I. Disbursement of these funds shall be upon the determination of the Secretary of Finance and with the advice and consent of the Director of the Office of Diversity, Equity, and Inclusion."

**Explanation:**

(This amendment provides \$3.5 million from the general fund in fiscal year 2022 for the initial operating costs for the Virginia Cannabis Control Authority created pursuant to House Bill 2312/Senate Bill 1406 of the 2021 Special Session I.)

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Item 479 #4c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 569, after line 25, insert:

"5. Funding shall be made available to the City of Richmond for the planning and development of the Slave Trail improvements coincident with the effective date of this act. Any remaining funds contained in paragraph H.1. above for the purposes enumerated shall be made available to the City of Richmond upon the receipt of planning and development information by the Department of General Services. The Director of the Department of Planning and Budget shall provide the additional funds at the request of the Department of General Services as the fiscal agent for this project."

**Explanation:**

(This amendment provides funding for the City of Richmond related to the planning and development of the Slave Trail, and makes available any remaining funds for the planning and development of the Slavery and Freedom Heritage Site and Lumpkins Pavilion after delivering planning information related to such projects to the Department of General Services.)

---

Item 479 #5c

**Central Appropriations**

**FY20-21**

**FY21-22**

Central Appropriations

(\$8,000,000)

(\$28,000,000) GF

**Language:**

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Page 567, line 23, strike "\$14,869,500" and insert "\$6,869,500".  
Page 567, line 23, strike "\$44,188,052" and insert "\$16,188,052".  
Page 571, strike line 41 through line 44.  
Page 571, line 45, strike "Q" and insert "P".  
Page 571, line 53, strike "R" and insert "Q".  
Page 572, line 9, strike "S" and insert "R".  
Page 572, line 12, strike "T" and insert "S".  
Page 572, strike line 16 through line 18.

**Explanation:**

(This amendment removes and makes available \$36 million included in House Bill 1800/Senate Bill 1100 for marijuana legalization, criminal records expungement and other legislation adopted during the 2020 Special Session I, the 2021 Regular Session, and the 2021 Special Session I of the General Assembly.)

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Item 479.10 #1c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 576, line 2, after "account." strike remainder of the line.  
Page 576, strike line 3.  
Page 578, line 39, strike "2020" and insert "2021".  
Page 578, line 40, strike "paragraphs B.1. through B.18." and insert:  
"paragraph B."  
Page 578, line 40, strike "in such" and insert "in the".  
Page 578, line 41, after "subparagraphs" insert:  
"under paragraph B."  
Page 578, line 42, after "B." strike remainder of the line.  
Page 578, strike line 43.  
Page 578, line 44, strike:  
"Fund established pursuant to § 60.2-300. However, if" and insert: "If".  
Page 578, line 49, strike "2020" and insert "2021".  
Page 578, line 55, strike "2020" and insert "2021".

**Explanation:**

(This amendment allows money for the utility assistance program funded with federal Coronavirus Relief Funds to be applied to a customer's account more than once. In addition, it updates the timing of certain actions related to unspent federal Coronavirus Relief Funds due to the recent extension of their use by Congress.)

Item 479.10 #2c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 573, line 49, strike "\$55,640,872", insert "\$10,343,453".  
Page 573, line 50, strike "\$9,256,178", insert "\$2,470,552".  
Page 573, line 52, strike "\$73,056,734", insert "\$103,889,779".  
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 "\$23,050,000".  
Page 575, line 5, strike "\$15,000,000", insert "\$12,000,000".  
Page 577, line 15, strike "\$73,056,734", insert "\$103,889,779".  
Page 577, line 22, strike "\$25,000,000", insert "\$17,467,766".

**Explanation:**

(This amendment modifies Coronavirus Relief Fund allocations.)

---

Item 479.10 #3c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 572, line 23, after "(P.L. 116-136)" strike the remainder of the line.  
Page 572, strike line 24.  
Page 572, line 25, strike "health emergency".  
Page 579, after line 7, insert:  
"I.1. There is hereby created in the state treasury a special nonreverting fund to be known as the Assistance for COVID-19 Trust Fund, referred to in this paragraph as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund and any gifts, donations, grants, bequests, and other funds received on its 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, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Any direct federal aid, approved by the U.S. Congress since January 1, 2021, that is provided to assist the Commonwealth with the revenue and economic impacts resulting from COVID-19 shall be deposited to the Fund. Moneys in the Fund shall be used for the purposes of responding to the revenue and economic impacts to the Commonwealth related to the Coronavirus Disease

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of 2019 (COVID-19) pandemic. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Governor pursuant to appropriations provided in a general appropriation act.

2. No expenditure of funds from the ACT Fund shall be made unless specifically appropriated in a general appropriation act pursuant to Article X, Section 7, Constitution of Virginia."

**Explanation:**

(This amendment sets up a fund for receiving additional federal relief funds related to COVID-19 and provides that those funds would be expended in a general appropriation act.)

---

Item 479.10 #4c

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 578, line 13, after "Virginia", insert:

". The Governor shall appropriate funds from the COVID-19 Relief Fund for these purposes: (i) \$36,000,000 the first year and \$40,000,000 the second year for No Loss Payments as provided in Item 145, and (ii) \$25,000,000 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. Any additional appropriations shall be used".

**Explanation:**

(This amendment appropriates funds from the state COVID-19 Relief Fund, including \$36.0 million the first year and \$40.0 million the second year for No Loss Payments for school divisions, and \$25.0 million for the Rebuild Virginia program. Revenues from games of skill machines are deposited into the COVID-19 Relief Fund.)

---

Item 481 #1c

**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 487 #1c

**Independent Agencies**

**FY20-21**

**FY21-22**

State Corporation Commission

\$350,000

\$0 GF

**Language:**

Page 599, line 13, strike "\$8,337,696" and insert "\$8,687,696".

Page 600, after line 1, insert:

"D. Out of this appropriation, \$350,000 the first year from the general fund is provided for development and submission of a state innovation waiver request pursuant to § 1332 of the Affordable Care Act, to establish the Commonwealth Health Reinsurance Program, pursuant to House Bill 2332, 2021 General Assembly, and to implement the bill's provisions for the program."

**Explanation:**

(This amendment provides \$350,000 the first year from the general fund for the State Corporation Commission's Bureau of Insurance to develop and submit a state innovation waiver to establish a reinsurance program for the individual health insurance marketplace pursuant to House Bill 2332, 2021 General Assembly. This funding may be offset by the receipt of a federal grant for such purpose, however the receipt of federal funds may not occur until fiscal year 2022.)

---

Item 491 #1c

**Independent Agencies**

Virginia College Savings Plan

Language

**Language:**

Page 602, after line 28, insert:

"G. That in accordance with the provisions of Item 4-3.02 of this act and pursuant to the passage of House Bill 2174, 2021 General Assembly Session, the Virginia College Savings Plan shall receive a non-interest-bearing treasury loan in an amount not to exceed \$2 million each year of each biennium to cover the costs of designing and implementing the state-facilitated IRA savings program, until such time as the Program is self-sustaining. Such loan may be renegotiated, as appropriate, and the Plan shall commence repayment with Program fees and revenues once the Program has achieved at least one year of Program cash flow positivity."

**Explanation:**

(This amendment authorizes a treasury loan for the Virginia Colleges Savings Plan to create the Virginia SAVES program pursuant to the passage of House Bill 2174, 2021 General Assembly Session. This language duplicates the second enactment clause in House Bill 2174 authorizing the loan.)

---

Item 492 #1c

**Independent Agencies**

Virginia Retirement System

Language

**Language:**

Page 603, after line 46, insert:

"H. The Virginia Retirement System and the Department of Human Resources Management shall report annually on or before January 1 to the Governor and the Virginia General Assembly the detailed aggregate of eligibility determinations for employees in accordance with § 9.1-400. This report shall tabulate claims data, types of injuries and associated costs with provided benefits. In accordance with § 9.1-408, the name of the employer or employee shall not appear in such publications and all documents to determine eligibility shall remain confidential."

**Explanation:**

(This amendment requires the Virginia Retirement System to provide an annual report to the Governor and the General Assembly providing statistics and demographic details concerning Line of Duty eligibility determinations.)

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Item 497 #1c

**Independent Agencies**

**FY20-21**

**FY21-22**

Virginia Workers' Compensation  
Commission

\$0

\$775,000

GF

**Language:**

Page 604, line 47, strike "\$10,627,494" and insert "\$11,402,494".

Page 605, line 7 strike "\$1,885,000" and insert "\$2,660,000".

Page 605, after line 10, insert:

"B. The Virginia Workers' Compensation Commission Sexual Assault Forensic Exam (SAFE) Program shall make all efforts to access federal and state funds to raise the reimbursement rate cap for acute forensic exams performed by a Sexual Assault Nurse Examiner to sixty percent of the actual cost of the exam. The funds provided in paragraph A.1. shall be used to help meet this

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reimbursement rate goal, expand existing forensic nursing programs, and develop forensic nursing programs in under-served communities."

Page 605, line 11, strike "B" and insert "C".

**Explanation:**

(This amendment increases the general fund transfer to the Criminal Injuries Compensation Fund by \$775,000 in the second year to help increase the reimbursement rate for acute forensic exams to sixty percent of the actual cost of the exam, support existing forensic nursing programs, and develop forensic nursing programs in under-served areas of the Commonwealth. The amendment further directs the Sexual Assault Forensic Exam program to access federal and state resources to achieve the sixty percent reimbursement rate goal.)

Item C-0 #1c

**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-17.30 #1c

**Education: Higher Education**

**FY20-21**

**FY21-22**

James Madison University

\$0

\$6,579,237 NGF

**Language:**

Page 618, after line 22, insert:



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"C-17.30 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 bond authorization to begin improvements and upgrades to the East Campus Steam Plant. The original East Campus Steam Plant was purchased from the City of Harrisonburg in 2017 and housed two trash-burning boilers and a steam turbine; it now houses two 35,000 pph boilers, three steam-turbine driven chillers, one electric chiller, and two cooling towers. All of the equipment was poorly maintained while in the city's care. The existing boiler equipment and the #2 chiller is rundown and a serious risk for catastrophic failure which would cause the university to shutter buildings. It is critical to remove and replace the existing 35,000 pph boilers, #2 chiller immediately and associated equipment. Total project cost for this phase of work is \$6,579,237 and includes \$4,605,466 in VCBA bonds and \$1,973,771 in auxiliary nongeneral funds. Future phases of this project will include the new boilers relocating to the future boiler building and an additional 80,000 pph boiler to increase current boiler capacity from 180,000 pph to 250,000 pph to cover existing and proposed future loads.)

Item C-22.10 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Virginia Commonwealth University	\$0	\$14,700,000	GF
	\$0	\$1,300,000	NGF

**Language:**

Page 619, line 36, strike "\$0" and insert "\$16,000,000".

Page 619, line 37, before "The", insert "A."

Page 619, after line 39, insert:

B. 1. Out of this appropriation \$14,700,000 the second year from the general fund and \$1,300,000 the second year from nongeneral funds is provided to proceed with the sale of property by the Virginia Alcoholic Beverage Control Authority to Virginia Commonwealth University.

2. The general fund provided in this item shall be applied to offset any future state share related to the construction of educational space that is a part of the overall project."

**Explanation:**

(This amendment authorizes the sale of the property by the Virginia Alcoholic Beverage Control Authority to Virginia Commonwealth University.)

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Item C-23.5 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 from the general fund 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 #1c

<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
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 "\$0" and insert "\$1,300,000".

**Explanation:**

(This amendment provides an additional \$1.3 million from the general fund 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 #1c

<b>Education: Other</b>	<b>FY20-21</b>	<b>FY21-22</b>
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The Science Museum of Virginia	\$0	\$7,506,000	NGF
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**Language:**

Page 622, after line 16, insert:

"C-36.45 Improvements: Create Urban Green Space	\$0	\$7,506,000	
Fund Sources:                    General	\$0	\$0	
Special	\$0	\$7,506,000 "	

**Explanation:**

(This amendment provides nongeneral fund authority to convert a six-acre parcel of a mostly paved, impervious surface parking lot into a community green space. 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. The Science Museum of Virginia also seeks authority to dedicate \$7,506,000 in private funding for the project.)

Item C-40 #1c

<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Conservation and Recreation	\$0	\$1,000,000	GF

**Language:**

Page 623, line 15, strike "\$800,000" and insert "\$1,800,000".  
 Page 623, line 18, before "It", insert "A."  
 Page 623, after line 25, insert:

"B. Out of this appropriation, \$1,000,000 the second year from the general fund is designated for the Department of Conservation and Recreation, in partnership with the Living River Trust, to acquire the Newton Neck property for the development of a public park in partnership with the City of Chesapeake."

**Explanation:**

(This amendment provides general fund to support the Department of Conservation and Recreation to partner with the Living River Trust for the acquisition of the Newton Neck property and development of a public park in partnership with the City of Chesapeake.)

Item C-40 #2c

**Natural Resources**

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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 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Capital Outlay	\$0	\$750,000	GF

**Language:**

Page 628, line 25, strike "\$137,000,000" and insert "\$137,750,000".

Page 628, line 27, after "A.", insert "1."

Page 628, after line 30, insert:

"2. Out of this appropriation, \$750,000 the second year from the general fund is designated for capital costs of maintenance reserve projects."

Page 628, line 42, strike the second "\$18,932,172" and insert "\$19,432,172".

Page 629, line 52, strike the second "\$6,835,202" and insert "\$7,085,202".

Page 630, line 19, strike the second "\$137,000,000" and insert "\$137,750,000".

Page 631, line 23, after "L.", insert "1."

Page 631, after line 26, insert:

"2. Out of the amounts provided for the Department of Behavioral Health and Developmental Services (720), Project Code 10880, up to \$250,000 may be used to extend the water main and modify the water system as part of the transition of the water supply system at the Central Virginia Training Center site to the Amherst County Service Authority."

**Explanation:**

(This amendment provides additional maintenance reserve authority for the Department of General Services and to transition the water supply at the Central Virginia Training Center.)

Item C-64 #2c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Capital Outlay	\$0	\$137,000,000	GF
	\$0	(\$137,000,000)	NGF

**Language:**

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Page 628, line 26, strike "\$137,000,000" and insert "\$0".

Page 628, line 27, after "A." insert "1."

Page 628, line 27, strike the second "\$137,000,000" and insert "\$0".

Page 628, after line 26, insert "Fund Sources: General \$0 \$137,000,000".

Page 628, after line 30, insert:

"2. Out of this appropriation, \$137,000,000 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 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 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Capital Outlay	\$0	\$14,150,000	GF

**Language:**

Page 632, line 49, strike "\$0" and insert "\$14,150,000".

Page 633, after line 9, insert:

"156 Department of State Police Replace Division 6 Headquarters".

**Explanation:**

(This amendment provides additional funding for projects authorized to begin planning.)

---

Item C-66.10 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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-68 #1c

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<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Capital Outlay	\$192,000,000	\$0 NGF

**Language:**

Page 635, line 45, strike "\$701,261,508" and insert "\$893,261,508".

Page 636, after line 34, insert:

"204 The College of William and Mary Construct Integrated Science Center, Phase IV (18329)".

Page 636, after line 35, insert:

"208 Virginia Polytechnic and State University Construct Undergraduate Laboratory Building (18332)".

Page 637, after line 14, insert:

"260 Virginia Community College System Replace French Slaughter Building, Germanna (18340)".

**Explanation:**

(This amendment requests additional funding to support four previously planned projects. The projects include the construction of Phase 4 of the Integrated Science Center (ISC) at William and Mary, the construction of the Undergraduate Laboratory Building at Virginia Tech, and the replacement of the French Slaughter Building at the Locust Grove Campus of Germanna Community College.)

---

Item C-68.50 #1c

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 638, after line 46, insert:

"D. The authorization provided under Chapter 759 / 769, 2016 Acts of Assembly for bond funding from the Virginia College Building Authority for Virginia Commonwealth University Center capital project 18205, Construct Commonwealth Center for Advanced Logistics Systems (CCALS), is rescinded.

E. In addition to the appropriation and bond authorization authorized by this item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia College Building Authority (VCBA) bond authorization and appropriation from the projects listed below, in the amounts shown, to this project for funding the projects listed in paragraph F:

<b>Agency No.</b>	<b>Project No.</b>	<b>Issuing Authority</b>	<b>Initial Authorization</b>	<b>Amount</b>
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236	18205	VCBA	§ 2, Chapters 759 and 769, 2016 Acts of Assembly	\$19,000,000
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F. 1. Upon certification from the Virginia Economic Development Partnership that an agreement has been reached with the Economic Development Authority and Rolls-Royce Crosspointe LL, the Department of General Services is hereby authorized \$12,120,000 the first year from bond proceeds of the Virginia Public Building Authority to provide funds for the acquisition of the Commonwealth Center for Advanced Manufacturing (CCAM).

2. Virginia Commonwealth University is hereby authorized \$6,880,000 the first year from bond proceeds of the Virginia College Building Authority to provide funds for the support acquisition and installation of High-Performance Computing tools for the development of the Commonwealth Center for Cloud Computing (C4).

G. The conditions required in order to receive the allocation from paragraph F. 2. of this item are:

1. Virginia Commonwealth University shall convene a workgroup comprised of the University of Virginia, Virginia Tech, Old Dominion University, Virginia State University, Longwood University, and representatives from the Commonwealth Center for Advanced Manufacturing (CCAM) and the Commonwealth Center for Advanced Logistics for the expressed purpose of developing a plan for the Commonwealth Center for Cloud Computing (C4).

2. The plan shall identify areas of research relevant to the C4, guiding principles to ensure continued collaboration between and among the partnering entities, opportunities for potential expansion of other institutions and entities, linkages with the Commonwealth Cyber Initiative, the Cyber Range and the Greater Washington Partnership, operational cost estimates and cost sharing strategies between and among the partnering institutions and entities to include potential for leveraging private sector partnerships.

3. The workgroup shall submit the report by December 1, 2021 to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and the Governor.

4. After adoption of the report by the General Assembly, the funding provided in paragraph F.2. shall be released to Virginia Commonwealth University to support the creation of the operations of the Commonwealth Center for Cloud Computing (C4)."

**Explanation:**

(This amendment repurposes previously authorized debt to acquire the Commonwealth Center for Advanced Manufacturing (CCAM) and develop the Commonwealth Center for Cloud Computing (C4).)

---

Item C-68.50 #2c

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<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Capital Outlay	\$0	\$1,242,850 GF

**Language:**

Page 637, line 17, strike "\$11,738,921" and insert "\$12,981,771".

Page 638, line 34, after "Virginia Public Building Authority", insert:  
and "\$1,242,850 the first year from the general fund".

Page 638, after line 39, insert:

"213 Norfolk State University Acquire / Renovate Pre-School Academy".

**Explanation:**

(This amendment provides funding to identify, acquire, and renovate a standalone facility to replace the Pre-School Academy and to support program upgrades.)

---

Item C-69 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Capital Outlay	\$58,250,000	\$0 NGF

**Language:**

Page 638, line 48, strike "\$170,700,000" and insert "\$228,950,000".

Page 639, after line 19, insert:

"4. Included in this item is \$28,250,000 in bond appropriation provided as a supplement to the "Virginia Institute of Marine Science, Construct New Research Facility" project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Virginia Institute of Marine Science, Replace Mechanical Systems and Repair Building Envelope of Chesapeake Bay Hall" in order to replace the existing Chesapeake Hall, for which a renovation is no longer a viable alternative, with a comparable sized new facility. Additional funding for the revised scope and cost is contained in this item.

5. Included in this item is up to \$30,000,000 in bond appropriation provided as a supplement to the "Construct Life Sciences and Engineering Building/Renovate Bull Run Hall, Prince William (18000)" project previously authorized in Item C-39.40, Chapter 806, 2013 Acts of Assembly, as "George Mason University, Construct Life Sciences Building, Prince William (Construct Bull Run Hall IIIB Addition)" in order to provide for an additional floor (33,000 SF) to the project. Additional funding for the revised scope and cost is contained in this item."

Page 639, line 20, strike "4." and insert "6."

Page 639, line 22, strike "5." and insert "7."

**Explanation:**

(This amendment provides supplemental funding to offset an increase in construction costs for replacement of the VIMS Chesapeake Bay Hall with a new 69,250 square foot research facility



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and for an additional floor (33,000 SF) for the GMU Life Sciences and Engineering Building/Renovate Bull Run Hall, Prince William.)

Item C-70.50 #1c

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Capital Outlay	\$0	\$50,000,000	GF
	\$0	\$50,000,000	NGF

**Language:**

Page 640, after line 18, insert:

"C-70.50 Improvements: Enhanced Nutrient Removal Certainty Program	\$0	\$100,000,000
Fund Sources:                      Bond Proceeds	\$0	\$50,000,000
General	\$0	\$50,000,000 "

Page 640, after line 18, insert:

"A. 1. The Virginia Public Building Authority, pursuant to § [2.2-2260](#) et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$50,000,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the costs of the projects described in paragraph C. of this item.

2. Out of this appropriation \$50,000,000 the second year from the general fund is designated to finance the costs of the projects described in paragraph C. of this item.

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

C. From the appropriation and bond authorization provided in this item, up to \$50,000,000 of the bond proceeds and \$50,000,000 from the general fund shall be provided to the Department of Environmental Quality to reimburse entities as provided in Enhanced Nutrient Removal Certainty Program established in House Bill 2129 for capital costs incurred for the design and installation of nutrient removal technology."

**Explanation:**

(This amendment provides bond proceeds to implement the enhanced Nutrient Removal Certainty Program.)

Item C-72 #1c

**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-72.60 #1c

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 641, line 13, strike "either the Fairfax Campus or" and insert "the".

**Explanation:**

(This amendment clarifies that the previously approved project may proceed on the Prince William Campus of George Mason University as originally authorized.)

---

Item C-72.70 #1c

**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 #1c

**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 #1c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 655, line 20, strike the first "\$500,000" and insert "6,242,868".

**Explanation:**

(This amendment transfers excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund in the first year.)

---

Item 3-1.01 #2c

**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 "\$130,200,000".

**Explanation:**

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(This amendment increases by \$20.0 million the first year the transfer of estimated net profits to the general fund from the sale of spirits in ABC stores, with a reduction in the net profit transfer of \$2.5 million the second year to account for the impact of salary increases provided to employees of the Authority.)

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Item 3-1.01 #3c

**Transfers**

Interfund Transfers

Language

**Language:**

Page 650, line 7, strike "\$132,700,000" and insert "\$147,400,000".

**Explanation:**

(This amendment transfers \$14.7 million from the Alcoholic Beverage Control Authority to the general fund resulting from the sale of property to Virginia Commonwealth University. A companion amendment to Item C-22.10 provides \$16.0 million to VCU for the purchase of the property.)

---

Item 3-2.03 #1c

**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 3-5.03 #1c

**Adjustments and Modifications to Tax Collections**

Implementation of Chapter 3, Acts of Assembly of 2004, Special Session I

Language

**Language:**

Page 658, line 33, strike "\$394,400,000" and insert "\$421,600,000".

Page 658, line 33, strike "\$405,100,000" and insert "\$433,800,000".

**Explanation:**

(This amendment adjusts the K-12 sales tax transfer to reflect the mid-session revenue adjustment.)

---

Item 3-5.15 #1c

**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 #1c

**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.)

---

Item 3-5.23 #1c

**Finance**

Corporate Income Tax Informational Reporting

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

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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.)

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Item 3-6.05 #1c

Procedures for Prepayment of Civil Penalties in an Executive Order

Language

**Language:**

Page 665, after line 11, insert:

"§ 3-6.05 PROCEDURES FOR PREPAYMENT OF CIVIL PENALTIES IN AN EXECUTIVE

**ORDER**

Any civil penalty under § 44-146.17(1) shall be prepayable in the amount set by executive order and in accordance with § 16.1-69.40:2 B of the Code of Virginia. Any civil penalty amount set by executive order shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial."

**Explanation:**

(This amendment adds language that allows for the prepayment of any civil penalty set by an Executive Order of the Governor.)

---

Item 4-5.10 #1c

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.)

---

Item 4-6.01 #1c

**Special Conditions and Restrictions on Expenditures**

Employee Compensation

Language

**Language:**

Page 704, after line 30, insert:

"10. Notwithstanding any provision of this act, the Board of the Virginia Alcoholic Beverage Control Authority may supplement the salary of its Chief Executive Officer in accordance with § 4.1-101.02. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable independent agencies. The Board shall report such criteria and potential supplement level to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its record."

**Explanation:**

(This amendment includes language authorizing the Board of the Virginia Alcoholic Beverage Control (ABC) Authority to approve a bonus for the ABC's Chief Executive Officer (CEO). The



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proposed language is based on language already included in the budget for the Director of the Virginia Retirement System and the CEO of Virginia College Savings Plan.)

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Item 4-14 #1c

**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 #2c

**Effective Date**

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

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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.)

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Item 4-14 #3c

**Effective Date**

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;

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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.*

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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

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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.



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"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

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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

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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

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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

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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

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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,

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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



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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

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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.

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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

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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

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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.)

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Item 4-14 #4c

**Effective Date**

Effective Date

Language

**Language:**

Page 727, line 38, strike "Virginia".

Page 727, line 39, strike "Rent and Mortgage Relief Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 727, line 40, strike "Virginia Rent and Mortgage Relief Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 727, line 54, strike "Virginia Rent and Mortgage Relief Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 727, line 55, strike "Virginia Rent and Mortgage Relief Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 728, line 3, strike "Virginia Rent and Mortgage Relief".

Page 728, line 4, strike "Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 728, line 6, strike "Virginia Rent and Mortgage Relief Program" and insert:

"Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)".

Page 728, line 7, strike "Virginia Rent and Mortgage Relief Program" and insert:

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“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 9, strike “Virginia Rent and Mortgage Relief Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 10, strike “Virginia Rent and Mortgage Relief”.

Page 728, line 11, strike “Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 13, strike “Virginia Rent”.

Page 728, line 14, strike “and Mortgage Relief Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 16, strike “Virginia Rent and Mortgage Relief Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 18, strike “Virginia Rent and Mortgage Relief Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

Page 728, line 19, strike “Virginia Rent and Mortgage Relief Program” and insert:

“Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)”.

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 Relief Program (formerly 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 owner, landlord, or owner's licensed agent 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. In an initial application, if the landlord or the tenant does not receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program within forty-five days of when the application for assistance is made by the tenant or the landlord, the landlord may proceed to obtain possession of the premise as provided in § 55.1-1251. For any subsequent application, if the landlord or tenant does not receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent application, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If 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. The amendment also includes technical changes.)

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Item 4-14 #5c

**Effective Date**

Effective Date

Language

**Language:**

Page 736, after line 32, insert:

"12. § 1. That the General Assembly finds that Esther Thorne (Ms. Thorne) spent more than six years in prison within the Virginia Department of Corrections for crimes she did not commit. On June 1, 2020, the Virginia Court of Appeals found that Ms. Thorne had proven her actual innocence, vacated her convictions, and issued a writ of actual innocence based on non-biological evidence, and her record was subsequently expunged.

§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$321,587 for the relief of Esther Thorne, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Ms. Thorne may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.

The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum of \$321,587 to be paid to Ms. Thorne by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

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§ 3. That Ms. Thorne shall be entitled to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2025.

§ 4. That any amount already paid to Ms. Thorne as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia, shall be deducted from any award received pursuant to § 1 of this act.

§ 5. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act."

Page 736, line 33, strike "12" and insert "13".

Page 736, line 33, after "seventh" strike "and".

Page 736, line 33, before "enactments" insert ", and twelfth".

Page 736, line 35, strike "13" and insert "14".

**Explanation:**

(This amendment provides compensation for Ms. Esther Thorne, who was wrongfully incarcerated for 6 years and issued a writ of actual innocence by the Court.)

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