

Floor Request to Amend House Bill 1400, as Introduced

Chief Patron: Scott D

Item 137 #1h

Education

FY22-23

FY23-24

Direct Aid to Public Education

\$0

\$270,609,395 GF

Language:

Page 162, line 23, strike "\$9,435,669,028" and insert "\$9,706,278,423".

Page 176, line 40, after "year", strike the remainder of the line.

Page 176, line 41, strike:

"SOQ instructional positions in the second year." and insert:

"In the second year, for the purposes of funding certain support positions in Basic Aid, the methodology utilized to fund such positions prior to the 2009 General Assembly session shall be utilized."

Explanation:

(This amendment provides \$270.6 million the second year from the general fund to eliminate the support cap methodology that was first implemented in 2009 to limit the number of support positions funded by the Standards of Quality. This proposal was adopted by the Board of Education as part of its biennial Standards of Quality review.)

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Chief Patron: Scott D

Item 137 #2h

Education

FY22-23

FY23-24

Direct Aid to Public Education

\$0

\$217,756,335 GF

Language:

Page 162, line 23, strike "\$9,435,669,028" and insert "\$9,653,425,363".

Page 164, after line 15, insert:

"Compensation Supplement - Additional 4.0 Percent \$0 \$217,756,335".

Page 201, line 8, after "e." insert:

1) Out of this appropriation, \$217,756,335 the second year from the general fund is provided for the state share of salary increases and related fringe benefit costs for an additional 4.0 percent salary increase effective July 1, 2023, for funded SOQ instructional and support positions, to provide a total 11.0 percent increase in the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of up to an additional 4.0 percent salary increase effective July 1, 2023, to school divisions that certify to the Department of Education that an equivalent increase will be provided to instructional and support personnel the second year. 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 additional average 4.0 percent salary increase the second year above the 7.0 percent increase provided in paragraph C.37.a.2; however, to access these funds, a school division must provide at least an average 7.0 percent salary increase the second year. These funds also provide the state share of an additional 4.0 salary increase the second year for Academic Year Governor's Schools and Regional Alternative Education Programs.

2) Payments in the second year to any school division shall be based on providing the funds needed to continue the first year increase actually provided by the division plus the increase provided by the division in the second year.

3) Notwithstanding paragraph C.37.c, it is the intent that the average instructional and support position salaries are increased in local school divisions throughout the state by at least 5.0 percent the first year, at least an additional 11.0 the second year, resulting in a combined increase of at least 16.55 percent during the biennium.

4) The state funds that the school division is eligible to receive shall be matched by the local government based on the composite index of local ability-to-pay. This local match shall be calculated for funded SOQ instructional and support positions using an effective date of July 1, 2023. Local school divisions shall certify to the Department of Education that funds used as the local match are derived solely from local revenue sources.

f."

Explanation:

(This amendment provides \$217.8 million the second year from the general fund to provide an

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additional 4.0 salary increase, resulting in a 11.0 percent total salary increase in fiscal year 2024. This amendment would support the goal of Virginia reaching the national teacher pay average in the 2023-24 school year.)

Chief Patron: LaRock

Item 292 #1h

Health and Human Resources

Department of Health

Language

Language:

Page 341, after line 35, insert:

"J.1. For the purposes of this item, unless the context requires a different meaning:

"Federally qualified health center" means a health care provider that is eligible to receive federal funds under 42 U.S.C. § 1396d(1)(2)(B).

"Hospital" has the same meaning as that term is defined in § **32.1-123**

"Public funds" means state funds from whatever source, including without limitation state general funds, nongeneral funds, state limited-purpose grants or loans, and federal funds administered by state agencies pursuant to Title X of the Public Health Service Act (42 U.S.C. § 300 et seq.), Title IV Part A (42 U.S.C. § 601 et seq.), Title V (42 U.S.C. § 701 et seq.), Title XIX (42 U.S.C. § 1396 et seq.), and Title XX (42 U.S.C. § 1397 et seq.) of the Social Security Act.

"Rural health clinic" means a health care provider that is eligible to receive federal funds under 42 U.S.C. § 1395x(aa)(2).

2. Subject to any applicable requirements of federal statutes, rules, regulations, or guidelines, any expenditures or grants of public funds for family planning services by the Commonwealth by and through the Department shall be made in the following order of priority:

- a. To public entities;
- b. To nonpublic hospitals and federally qualified health centers;
- c. To rural health clinics;
- d. To nonpublic health providers that have as their primary purpose the provision of the primary health care services enumerated in 42 U.S.C. § 254b(a)(1); and
- e. To nonpublic health providers that do not have as their primary purpose the provision of the primary health care services enumerated in 42 U.S.C. § 254b(a)(1)."

3. The Virginia Department of Health shall not enter into a contract with, or make a grant to, any entity that performs abortions that are not federally qualified abortions or maintains or operates a facility where non-federally qualified abortions are performed, provided, however, that nothing in this subsection shall be construed to apply to the receipt or administration of funds pursuant to 42 U.S.C. § 1396 et seq. Additionally, nothing in this subsection shall be construed to apply to hospitals licensed pursuant to § **32.1-126**.

4.a. The Attorney General shall have authority to bring an action in law or equity to enforce the

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provisions of this section, and relief shall be available in appropriate circumstances, including recoupment and declaratory and injunctive relief.

b. Any entity eligible for the receipt of public funds shall possess standing to bring any action that the Attorney General has authority to bring pursuant to the provisions of subsection C and shall in appropriate circumstances be entitled to the same relief, provided, however, that an expenditure or grant of public funds made in violation of this section has resulted in the reduction of public funds available to such entity, and that any award of monetary relief shall be made to an appropriate public officer for deposit into one or more accounts maintained by the state for public funds. In an action brought pursuant to this subsection, a prevailing plaintiff shall be entitled to an award of reasonable attorney fees and costs."

Explanation:

(This amendment adds language which prioritizes the types of entities that the Department of Health contracts with or provides grants to for family planning services. It also prohibits the Department of Health from spending any funds on an abortion that is not qualified for matching funds under the Medicaid program or providing any grants or other funds to any entity that performs such abortions. Language also provides authority for the Attorney General to enforce the provisions of this section.)

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Chief Patron: Scott D

Item 408 #1h

Public Safety and Homeland Security

FY22-23

FY23-24

Department of Criminal Justice
Services

\$0
0.00

\$10,000,000 GF
3.00 FTE

Language:

Page 496, line 45, strike "\$213,613,367" and insert "\$223,613,367".

Page 502, line 12, after "programs." strike the remainder of the line.

Page 502. strike lines 13 through 16.

Page 502, after line 16, insert:

"4. a. Out of the amounts appropriated for this item, \$10,000,000 the second year from the general fund is provided for the Safer Communities Program to support holistic, community-based strategies that address the root causes and conditions of community violence. Such strategies include: (i) afterschool programs and mentorships; (ii) connections to education and economic opportunities; (iii) case management for trauma-informed mental health care; (iv) credible messengers and violence interrupters; and (v) strategies to build trust between law enforcement agencies and community stakeholders. At least \$9,500,000 shall be provided to the City of Norfolk, the City of Portsmouth, and the City of Richmond, with a minimum award of \$2,500,000 per locality and the remainder allocated based on population. Recipient localities shall establish a new position dedicated to planning, implementation, and coordination of community violence reduction strategies, including utilizing existing violence reduction grants and pursuing additional grant opportunities. The position shall facilitate data collection and performance assessment efforts guided by the Office of Safer Communities.

b. There is hereby established the Office of Safer Communities ("the Office") in the Department. The Office shall manage the Safer Communities Program and serve as a resource for research and best practices for community-based violence intervention, including: (i) providing consultation to the Board of Criminal Justice Services as it administers the Firearm Violence Intervention and Prevention Grant Fund and the Operation Ceasefire Grant Fund; (ii) conducting outreach to current and potential recipients of violence intervention and prevention grants; and (iii) performing assessments and evaluations of existing grant awards. Out of the amounts in subsection N.4.a of this item, \$500,000 is provided to support the Office, to include positions and support services for research, assessment, and outreach. Administrative funding and positions provided under subsections M. and N. of this item shall transfer to the Office. The Office shall provide quarterly updates and a publicly posted annual report that evaluates the implementation and effectiveness of each grant recipient's program to the Virginia Crime Commission, to include the results of the Office's research on best practices. The Commission shall provide oversight of and guidance to the Office."

Explanation:

(This amendment provides \$10.0 million from the general fund the second year to establish the Safer Communities Program and the Office of Safer Communities at the Department of

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Criminal Justices Services. This amendment adds three positions for the Office of Safer Communities, bringing the total number of positions allotted for firearm violence prevention and intervention to seven. At least \$9.5 million shall be provided directly to the City of Norfolk, the City of Portsmouth, and the City of Richmond, which had the highest incidence of gun-related murders in 2021 based on Virginia crime data. Recipient localities shall establish a new, dedicated position to support holistic, community-based strategies that address the root causes and conditions of community violence, including: afterschool programs and mentorships; connections to education and economic opportunities; case management for trauma-informed mental health care; credible messengers and violence interrupters; and strategies to build trust between law enforcement agencies and community stakeholders. The Office of Safer Communities shall manage the Safer Communities program, provide consultation for administration of existing violence reduction grant programs, and serve as a resource to localities for research, best practices and evaluation. The Office shall regularly report to the Virginia Crime Commission, who will provide oversight and guidance of the Office.)

Chief Patron: Scott D

Item 4-5.04 #1h

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 686, after line 29, insert:

"n. The Commonwealth shall not, in the use of funding appropriated in this act or in the regulation or provision of benefits, facilities, services, or information, deny or interfere with the fundamental right of an individual, including an individual under state control or supervision, to choose or refuse contraception or sterilization; or choose to carry a pregnancy to term, give birth to a child, or terminate a pregnancy as allowed in §§ [18.2-72](#), [18.2-73](#), and [18.2-74](#)."

Explanation:

(This amendment prohibits the use of funding appropriated in this act or in the regulation or provision of benefits, facilities, services, or information, to deny or interfere with the fundamental right of an individual, including an individual under state control or supervision, to choose or refuse contraception or sterilization; or choose to carry a pregnancy to term, give birth to a child, or terminate a pregnancy as allowed in §§ [18.2-72](#), [18.2-73](#), and [18.2-74](#).)

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Chief Patron: LaRock

Item 4-5.04 #2h

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 686, line 22, after "1." insert "1."

Page 686, after line 24, insert:

"2. Any state-funded hospital or medical center that provides elective abortion services or operates a facility at which elective abortion services are provided is disqualified from receiving any state funding."

Explanation:

(This amendment adds language restricting state funding from any state funded hospital or medical center that provides elective abortion services.)

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Chief Patron: Scott D

Item 4-5.04 #3h

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 686, line 22, strike:

"Notwithstanding any other provision of law, no".

Page 68, line 22, unstrike "No".

Page 686, line 24, unstrike "or state statute".

Explanation:

(This amendment restores language contained in Chapter 2, 2022 Special Session I, which allows for a state funded abortion in cases of certain fetal abnormality diagnoses currently allowed in state law.)

Chief Patron: Scott D

Item 4-14 #1h

Effective Date

Language

Language:

Page 760, after line 48, insert:

"31. That § 18.2-413 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-413. Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection; bar to serving in positions of public trust.

A. Any person, who after publication by the Governor, or who after lawful notice to disperse and retire, resists or aids in resisting the execution of process in any county, city, or town declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the Governor or any sheriff or other officer to quell or suppress an insurrection or riot, shall be guilty of a Class 5 felony.

B. Any person convicted of any violation of 18 U.S.C. 2383, 18 U.S.C. 2384, 18 U.S.C. 1512(c) in relation to the administration or certification of an election, or any substantially similar offense under the laws of the Commonwealth or another state shall be barred for life from serving in any position of public trust within the Commonwealth. As used in this subsection, "position of public trust" means any position in which a person performs work that involves a significant degree of public trust and confidence that such person will carry out the work in accordance with applicable laws, regulations, and guidelines, including positions with policy making or major program responsibilities or fiduciary monetary responsibilities, educational positions, law-enforcement positions, and public safety or public health positions."

Explanation:

(This amendment would amend the Code of Virginia to bar for life from positions of public trust any person convicted of certain violations in relation to the administration or certification of an election.)

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Chief Patron: Scott D

Item 4-14 #2h

Effective Date

Language

Language:

Page 760, strike lines 3 through 8, and insert:

"29. Notwithstanding the provisions of House Bill 2138 of the 2023 General Assembly Session, the annual tax rate imposed on Virginia taxable income for corporations as set out in § 58.1-400, Code of Virginia, shall remain at six percent."

Explanation:

(This amendment eliminates language included in the introduced budget which decreased the corporate income tax rate to five percent effective for tax year 2023 and replaces it with language maintaining the rate at 6 percent regardless of the provisions of House Bill 2138 which also reduces the corporate rate to five percent.)

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Chief Patron: Scott D

Item 4-14 #3h

Effective Date

Language

Language:

Page 736, strike lines 30 through 47, and insert:

"22. Notwithstanding the provisions of House Bill 2319 of the 2023 General Assembly Session, the annual individual tax rate imposed on Virginia's shall remain at the levels set out in § 58.1-320, Code of Virginia, during the taxable year beginning January 1, 2023."

Page 737, strike lines 1 through 14.

Explanation:

(This amendment eliminates language included in the introduced budget which decreased the individual income tax rates effective for tax year 2024, setting the highest tax rate at 5.5 percent, and replaces it with language maintaining the current income tax rates regardless of the provisions of House Bill 2319 which also reduces the individual income tax rates.)

Floor Request to Amend House Bill 1400, as Introduced

Chief Patron: Robinson

Item 4-14 #4h

Effective Date

Language

Language:

Page 760, after line 48, insert:

"31. That the Code of Virginia is amended by adding a section numbered 58.1-339.14 as follows:

§ 58.1-339.14 Tax credit for a loss of a stillborn child.

A. For purposes of this section, "stillborn child" means a child of the taxpayer (i) who suffered a spontaneous death, (ii) who reached no less than 20 complete weeks of gestation calculated from the date the mother's last normal menstrual period began to the date of delivery or weighed 350 grams or more, (iii) for whom a Certificate of Birth Resulting in Stillbirth has been requested and issued pursuant to § 32.1-258.1 or for whom other documentation verifying a loss of delivering a stillborn child on forms prescribed by the Department can be produced, and (iv) whose death was not the result of an induced termination of the pregnancy.

B. For taxable years beginning on and after January 1, 2023, but before January 1, 2028, an individual filing or married persons filing a joint return in Virginia shall be allowed a refundable credit against the tax levied pursuant to § 58.1-320 equal to \$2,000 for the loss of delivering a stillborn child. The credit may be claimed only in the taxable year in which the loss of delivering a stillborn child occurred and if the child would have become a dependent of the taxpayer as defined in 26 U.S.C. § 152 of the Internal Revenue Code. For any taxable year in which married persons file separate Virginia income tax returns, the credit provided under this section shall be allowed against the tax liability for only one of such two tax returns. The credit provided by this section may be claimed by only one individual per stillborn child.

C. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess shall be refunded by the Tax Commissioner to such taxpayer. The refundable portion of the credit provided pursuant to subsection B shall be claimed on the Virginia income tax return and redeemed by the Tax Commissioner from an appropriation from the general fund.

D. The total amount of tax credits available under this section for a calendar year shall not exceed \$750,000. In the event that applications for such credits exceed \$750,000 for any taxable year, the Department shall allocate the credits on a pro rata basis.

E. The Tax Commissioner shall develop guidelines for claiming the credit provided by this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.)."

Explanation:

(This language amendment provides a tax credit of up to \$2,000 for the loss of a stillborn child.

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The overall cap per year would be \$750,000.)
