

2012 SESSION

SENATE BILL NO. 29

Offered January 11, 2012

Prefiled December 19, 2011

A Bill to amend and reenact Chapter 890 of the 2011 Acts of Assembly, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

Patron - Colgan

Referred to the Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That Items 30, 41, 42, 43, 44, 67.20, 67.30, 73, 96, 100, 111, 119, 120, 131, 132, 136, 234, 245, 249, 250, 250.10, 255, 256, 258, 262, 271, 274, 284, 295, 296, 297, 299, 300, 303, 320, 326, 327, 330, 331, 338, 355, 369, 379, 380, 398, 400, 401, 430, 450, 451, 452, 453, 454, 455, 456, 457, 470, 473, § 2-0, § 3-1.01, § 3-3.02, § 3-3.03, § 3-5.04, and § 3-5.08 of Chapter 890 of the Acts of Assembly of 2011 be hereby amended and reenacted and that the cited chapter be further amended by adding Items C-1.50, C-42.20, and C-76.20, and that the cited chapter be further amended by striking therefrom Item 473.20.

2. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Balance, June 30, 2010	\$491,244,000	\$0	\$491,244,000
	\$1,066,982,453		\$1,066,982,453
Additions to Balance	\$90,031,868	\$229,405,544	\$319,437,412
		(\$43,595,396)	\$46,436,472
Official Revenue Estimates	\$14,718,486,729	\$15,595,636,810	\$30,314,123,539
		\$15,726,601,262	\$30,445,087,991
Transfers	\$423,136,445	\$468,575,442	\$891,711,887
		\$420,855,811	\$843,992,256
Total General Fund Resources Available for Appropriation	\$15,722,899,042	\$16,293,617,796	\$32,016,516,838
	\$16,298,637,495	\$16,103,861,677	\$32,402,499,172

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

	First Year	Second Year	Total
Balance, June 30, 2011	\$3,893,497,975	\$0	\$3,893,497,975
Official Revenue Estimates	\$23,303,648,405	\$23,257,484,874	\$46,561,133,279
		\$23,536,007,131	\$46,839,655,536
Lottery Proceeds Fund	\$435,200,000	\$435,875,000	\$871,075,000
		\$454,400,000	\$889,600,000
Bond Proceeds	\$560,112,011	\$1,339,406,764	\$1,899,518,775

Total Nongeneral Fund

Revenues

Available for Appropriation	\$28,192,458,391	\$25,032,766,638	\$53,225,225,029
		\$25,329,813,895	\$53,522,272,286
TOTAL PROJECTED			
REVENUES	\$43,915,357,433	\$41,326,384,434	\$85,241,741,867
	\$44,491,095,886	\$41,433,675,572	\$85,924,771,458

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand ten, through the thirtieth day of June two thousand twelve, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand eight, through the thirtieth day of June two thousand ten, inclusive.

C. "Next biennium" means the period from the first day of July two thousand twelve, through the thirtieth day of June two thousand fourteen, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

BIENNIUM 2010-12

	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$32,005,485,706	\$46,544,251,967	\$78,549,737,673
	\$31,847,635,870	\$47,485,428,804	\$79,333,064,674
LEGISLATIVE			
DEPARTMENT	\$138,099,941	\$7,217,268	\$145,317,209
JUDICIAL DEPARTMENT	\$812,673,790	\$65,057,823	\$877,731,613
	\$814,398,790		\$879,456,613
EXECUTIVE DEPARTMENT	\$31,054,711,975	\$45,429,394,170	\$76,484,106,145
	\$30,895,137,139	\$46,370,571,007	\$77,265,708,146
INDEPENDENT AGENCIES	\$0	\$1,042,582,706	\$1,042,582,706
STATE GRANTS TO			
NONSTATE AGENCIES	\$0	\$0	\$0

1	CAPITAL OUTLAY			
2	EXPENSES	\$8,877,000	\$2,224,297,218	\$2,233,174,218
3			\$2,237,117,018	\$2,245,994,018
4	TOTAL	\$32,014,362,706	\$48,768,549,185	\$80,782,911,891
5		\$31,856,512,870	\$49,722,545,822	\$81,579,058,692

6 § 8. This chapter shall be known and may be cited as the "2012 Amendments to the 2011 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	PART 1: OPERATING EXPENSES			
2	LEGISLATIVE DEPARTMENT			
3	1.	Not set out.		
4	2.	Not set out.		
5	3.	Not set out.		
6	4.	Not set out.		
7	5.	Not set out.		
8	6.	Not set out.		
9	7.	Not set out.		
10	8.	Not set out.		
11	9.	Not set out.		
12	10.	Not set out.		
13	11.	Not set out.		
14	12.	Not set out.		
15	13.	Not set out.		
16	14.	Not set out.		
17	15.	Not set out.		
18	16.	Not set out.		
19	17.	Not set out.		
20	18.	Not set out.		
21	19.	Not set out.		
22	20.	Not set out.		
23	21.	Not set out.		
24	22.	Not set out.		
25	23.	Not set out.		
26	24.	Not set out.		
27	25.	Not set out.		
28	26.	Not set out.		
29	27.	Not set out.		
30	28.	Not set out.		

		Item Details(\$)		Appropriations(\$)	
ITEM 29.		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	29.	Not set out.			
2	29.10.	Not set out.			
3	29.20.	Not set out.			
4	§ 1-1. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)				
5	30.	Legislative Evaluation and Review (78300).....		\$3,378,956	\$3,378,956
6		Performance Audits and Evaluation (78303).....		\$3,378,956	\$3,378,956
7		Fund Sources: General.....		\$3,264,040	\$3,264,040
8		Trust and Agency		\$114,916	\$114,916
9	Authority: Title 30, Chapters 7 and 8, Code of Virginia.				
10	A. Out of this appropriation shall be paid the annual salary of the Director, Joint Legislative				
11	Audit and Review Commission (JLARC), \$160,919 from July 1, 2010 to August 31, 2010,				
12	\$145,729 from September 1, 2010 to June 24, 2011 and \$153,015 from June 25, 2011 to June				
13	30, 2012.				
14	B. JLARC, upon request of the Department of Planning and Budget and approval of the				
15	Chairman, shall review and provide comments to the department on its use of performance				
16	measures in the state budget process. JLARC staff shall review the methodology and proposed				
17	uses of such performance measures and provide periodic status reports to the Commission.				
18	C. Expenses associated with the oversight responsibility of the Virginia Retirement System by				
19	JLARC and the House Appropriations and Senate Finance Committees shall be reimbursed by				
20	the Virginia Retirement System upon documentation by the Director, JLARC of the expenses				
21	incurred.				
22	D. Out of this appropriation, funds are provided to continue the technical support staff of				
23	JLARC, in order to assist with legislative fiscal impact analysis when an impact statement is				
24	referred from the Chairman of a standing committee of the House or Senate, and to conduct				
25	oversight of the expenditure forecasting process. Pursuant to existing statutory authority, all				
26	agencies of the Commonwealth shall provide access to information necessary to accomplish				
27	these duties.				
28	E.1. The General Assembly hereby designates the Joint Legislative Audit and Review				
29	Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency				
30	(VITA) on a continuing basis and to make such special studies and reports as may be requested				
31	by the General Assembly, the House Appropriations Committee, or the Senate Finance				
32	Committee.				
33	2. The areas of review and evaluation to be conducted by the Commission shall include, but				
34	are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any				
35	amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including				
36	VITA's oversight of information technology projects and the security of governmental				
37	information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its				
38	oversight of the procurement activities of State agencies.				
39	3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law,				
40	JLARC shall have the legal authority to access the information, records, facilities, and				
41	employees of VITA.				
42	4. Records provided to VITA by a private entity pertaining to VITA's comprehensive				
43	infrastructure agreement or any successor contract, or any contractual amendments thereto for				
44	the operation of the Commonwealth's information technology infrastructure shall be exempt				
45	from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such				
46	records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets				
47	Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets				
48	and financial statements, that are not generally available to the public through regulatory				
49	disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded				
50	from the Virginia Freedom of Information Act, the private entity shall make a written request				

ITEM 30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	to VITA:				
2	a. Invoking such exclusion upon submission of the data or other materials for which protection				
3	from disclosure is sought;				
4	b. Identifying with specificity the data or other materials for which protection is sought; and				
5	c. Stating the reasons why protection is necessary.				
6	VITA shall determine whether the requested exclusion from disclosure is necessary to protect				
7	the trade secrets or financial records of the private entity. VITA shall make a written				
8	determination of the nature and scope of the protection to be afforded by it under this				
9	subdivision. Once a written determination is made by VITA, the records afforded protection				
10	under this subdivision shall continue to be protected from disclosure when in the possession of				
11	VITA or JLARC.				
12	Except as specifically provided in this item, nothing in this item shall be construed to authorize				
13	the withholding of (a) procurement records as required by § 56-575.17; (b) information				
14	concerning the terms and conditions of any interim or comprehensive agreement, service				
15	contract, lease, partnership, or any agreement of any kind entered into by VITA and the private				
16	entity; (c) information concerning the terms and conditions of any financing arrangement that				
17	involves the use of any public funds; or (d) information concerning the performance of the				
18	private entity under the comprehensive infrastructure agreement, or any successor contract, or				
19	any contractual amendments thereto for the operation of the Commonwealth's information				
20	technology infrastructure.				
21	5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and				
22	direction for VITA review and evaluation activities, subject to the full Commission's				
23	supervision and such guidelines as the Commission itself may provide.				
24	6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the				
25	performance of its duties under this authority.				
26	F. The Joint Legislative Audit and Review Commission (JLARC) shall evaluate and report on				
27	the performance of the Tobacco Indemnification and Community Revitalization Commission				
28	(TICR). The report shall include, but not be limited to, a review of the effectiveness of the				
29	economic revitalization grants of the TICR, an evaluation of the TICR economic revitalization				
30	strategy, and recommendations as to the TICR's outcome metrics and accountability measures.				
31	JLARC shall submit a final report by June 30, 2011.				
32	G.1 JLARC is hereby directed to study the impact on local revenue streams of restructuring the				
33	local Business, Professional, and Occupational License ("BPOL") Tax such that the basis of the				
34	tax is changed from gross receipts to net income. All local tax officials are hereby directed to				
35	provide any assistance required by JLARC in the course of the study. <i>If requested by</i>				
36	<i>JLARC, notwithstanding the requirements of § 58.1-3700 et seq. of the Code of Virginia,</i> all				
37	local tax officials are authorized to require <i>any businesses subject to the BPOL tax in their</i>				
38	<i>locality required to obtain a business license from the locality in calendar year 2011,</i> to				
39	<i>calculate and report back to the locality their—its net income for the timeframe requested,</i>				
40	<i>notwithstanding the requirements of § 58.1-3700 et seq. of the Code of Virginia.</i> and the				
41	<i>resulting license tax for the base year used to calculate its license tax in calendar year 2011</i>				
42	<i>based on net income and shall report such tax base and tax due to the locality on or before</i>				
43	<i>October 1, 2012— This shall be in addition to the requirement that such business shall file and</i>				
44	<i>report any tax due on its license application or BPOL return for the year, as required pursuant</i>				
45	<i>to § 58.1-3700 et seq. of the Code of Virginia— Each locality shall consolidate the data reported</i>				
46	<i>by each taxpayer in the locality in a format determined by JLARC and transmit such data to</i>				
47	<i>JLARC by April 1, 2013.</i>				
48	2. JLARC shall complete its study and submit a final report by November 1, 2013.				
49	3. The Department of Taxation shall cooperate as requested by JLARC in the performance of				
50	its duties under this authority. <i>All agencies of the Commonwealth shall provide assistance for</i>				
51	<i>this study, upon request.</i>				
52	H.1. The Joint Legislative Audit and Review Commission (JLARC) shall undertake a				

ITEM 30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	comprehensive review of the civil commitment of sexually violent predators at the Virginia				
2	Center for Behavioral Rehabilitation (VCBR) and the conditional release program administered				
3	by the Department of Behavioral Health and Developmental Services.				
4	2. The review shall examine current law and commitment practices related to the treatment of				
5	sexually violent predators currently committed to the VCBR, including convictions and time				
6	served for predicate crimes; the screening and assessment process for identifying those				
7	individuals who could be eligible for civil commitment as sexually violent predators, including				
8	the use of the current risk assessment instrument; the commitment review process; and the				
9	impact of these factors on the projected numbers of individuals likely to be civilly committed.				
10	3. In addition, the review shall examine the current policies and practices of other states'				
11	programs for the involuntary civil commitment of sexually violent predators and conditional				
12	release programs and determine how those policies and practices compare to the current				
13	program operated in Virginia. The review shall also examine the costs of providing for the				
14	civil commitment of sexually violent predators at VCBR, including an analysis of security and				
15	treatment staff ratios, and the provision of other services. The review shall also include any				
16	cost-effective, best practices identified in other state civil commitment programs.				
17	4. The Department of Behavioral Health and Developmental Services, the Department of				
18	Corrections, the Virginia Criminal Sentencing Commission, the Virginia Crime Commission				
19	and the Office of the Attorney General shall provide, upon request, technical assistance as				
20	needed to JLARC during this review.				
21	5. For the purpose of completing this review, JLARC staff are authorized to possess, copy, and				
22	use all records, including records under seal, from all state and local courts, clerks,				
23	departments, agencies, boards, and commissions, including but not limited to: the Department				
24	of Corrections, the Department of Behavioral Health and Developmental Services, the Office of				
25	the Attorney General, offices of attorneys for the Commonwealth, Virginia State Police, local				
26	police and sheriffs' departments, the Department of Juvenile Justice, court services units,				
27	community services boards, state and local departments of social services, and probation and				
28	parole districts. Upon request, the records, documents, notes, recordings or other information of				
29	any kind shall be provided to JLARC staff within 20 days of receiving such request.				
30	6. The Commission shall provide a final report to the Governor and the General Assembly no				
31	later than November 30, 2011.				
32	Total for Joint Legislative Audit and Review				
33	Commission.....			\$3,378,956	\$3,378,956
34	General Fund Positions.....	36.00	36.00		
35	Nongeneral Fund Positions.....	1.00	1.00		
36	Position Level	37.00	37.00		
37	Fund Sources: General	\$3,264,040	\$3,264,040		
38	Trust and Agency	\$114,916	\$114,916		
39	31. Not set out.				
40	32. Not set out.				
41	33. Not set out.				
42	TOTAL FOR LEGISLATIVE DEPARTMENT.....			\$72,621,092	\$72,696,117
43	General Fund Positions.....	579.50	579.50		
44	Nongeneral Fund Positions.....	29.50	29.50		
45	Position Level	609.00	609.00		
46	Fund Sources: General	\$69,012,458	\$69,087,483		
47	Special	\$3,236,284	\$3,236,284		
48	Trust and Agency	\$114,916	\$114,916		
49	Federal Trust.....	\$257,434	\$257,434		

ITEM 34.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

JUDICIAL DEPARTMENT

§ 1-2. SUPREME COURT (111)

34.	Not set out.			
35.	Not set out.			
36.	Not set out.			
37.	Not set out.			
38.	Not set out.			
39.	Not set out.			
40.	Not set out.			
Circuit Courts (113)				
41.	Pre-Trial, Trial, and Appellate Processes (32100).....		\$101,270,698	\$101,270,698 \$102,023,358
	Trial Processes (32103)	\$42,145,284	\$42,145,284	
	Other Court Costs and Allowances (Criminal Fund) (32104)	\$59,125,414	\$59,125,414 \$59,878,074	
	Fund Sources: General	\$101,265,698	\$101,265,698 \$102,018,358	
	Special.....	\$5,000	\$5,000	
Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.				
A. Out of the amounts in this Item for Trial Processes shall be paid:				
1. The annual salaries of Circuit Court judges, each at \$158,134 from July 1, 2010, to November 24, 2010, \$158,134 from November 25, 2010, to November 24, 2011, and \$158,134 from November 25, 2011, to June 30, 2012. Such salaries shall represent the total compensation from all sources for Circuit Court judges.				
2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.				
3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.				
4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.				
B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.				
C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2010, in the appropriation made in Item 40, Chapter 781, Acts of Assembly of 2009, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2011.				
D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall				

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.			
2	E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total			
3	\$108,751,447 the first year and \$108,751,447 \$110,401,447 the second year in this Item and			
4	Items 34, 40, 42, 43 and 44.			
5	2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts			
6	appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated,			
7	consistent with statutory provisions in the Code of Virginia. Funds within these appropriations			
8	are to be used to fund fully the statutory caps on compensation applicable to attorneys			
9	appointed by the court to defend criminal charges. Should this appropriation not be sufficient			
10	to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of			
11	Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the			
12	most serious noncapital felonies and then, should funds still remain in this appropriation, to the			
13	other statutory caps, in declining order of the severity of the charges to which each cap is			
14	applicable.			
15	3. Out of the amount appropriated from the general fund for Other Court Costs and Allowances			
16	(Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$880,000 the			
17	first year and not to exceed \$880,000 the second year to the Criminal Injuries Compensation			
18	Fund, administered by the Virginia Workers' Compensation Commission, for the administration			
19	of the physical evidence recovery kit (PERK) program.			
20	4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation			
21	allowed to counsel appointed by the court to defend a felony charge that may be punishable by			
22	death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.			
23	F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of			
24	Virginia, or otherwise shall be delayed at the request of the local governing body in which the			
25	court is located until June 30, 2012. The provisions of this Item shall not apply to facilities			
26	that were subject to litigation on or before November 30, 2008.			
27	G.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall			
28	have presented to it a sentencing revocation report prepared on a form designated by the			
29	Virginia Criminal Sentencing Commission indicating the condition or conditions of the			
30	suspended sentence, good behavior, or probation's supervision that the defendant has allegedly			
31	violated.			
32	2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for			
33	violation of a condition or conditions other than a new criminal offense conviction, the court			
34	shall also have presented to it the applicable probation violation guideline worksheets			
35	established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review			
36	and consider the suitability of the discretionary probation violation guidelines. Before			
37	imposing sentence, the court shall state for the record that such review and consideration have			
38	been accomplished and shall make the completed worksheets a part of the record of the case			
39	and open for inspection. In hearings in which the court imposes a sentence that is either			
40	greater or less than that indicated by the discretionary probation violation guidelines, the court			
41	shall file with the record of the case a written explanation of such departure.			
42	3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the			
43	clerk of the circuit court in which the hearing was held shall cause a copy of such order or			
44	orders, the original sentencing revocation report, any applicable probation violation guideline			
45	worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to			
46	subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30			
47	days.			
48	4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure			
49	to follow any or all of these provisions in the prescribed manner shall not be reviewable on			
50	appeal or the basis of any other post-hearing relief.			
51	5. The provisions specified in F.1. through F.4. shall apply only to hearings conducted pursuant			
52	to § 19.2-306 that are held on or after July 1, 2010.			

ITEM 41.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Total for Circuit Courts.....			\$101,270,698	\$101,270,698
2					\$102,023,358
3	General Fund Positions.....	164.00	164.00		
4	Position Level	164.00	164.00		
5	Fund Sources: General.....	\$101,265,698	\$101,265,698		
6			\$102,018,358		
7	Special.....	\$5,000	\$5,000		
8	General District Courts (114)				
9	42. Pre-Trial, Trial, and Appellate Processes (32100).....			\$93,766,638	\$93,766,638
10					\$94,114,187
11	Trial Processes (32103)	\$76,503,740	\$76,503,740		
12	Other Court Costs and Allowances (Criminal Fund)				
13	(32104)	\$12,579,826	\$12,579,826		
14			\$12,864,147		
15	Involuntary Mental Commitments (32105).....	\$4,683,072	\$4,683,072		
16			\$4,746,300		
17	Fund Sources: General.....	\$93,766,638	\$93,766,638		
18			\$94,114,187		
19	Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137,				
20	19.2-163 and 37.1-67.1 et seq., Code of Virginia.				
21	A. Out of the amounts in this Item for Trial Processes shall be paid:				
22	1. The annual salaries of all General District Court judges, \$142,329 from July 1, 2010, to				
23	November 24, 2010, \$142,329 from November 25, 2010, to November 24, 2011, and \$142,329				
24	from November 25, 2011, to June 30, 2012. Such salary shall be 90 percent of the annual				
25	salary fixed by law for judges of the Circuit Courts and shall represent the total compensation				
26	for General District Court Judges and incorporate all supplements formerly paid by the various				
27	localities.				
28	2. The salaries of substitute judges and court personnel.				
29	B. There is hereby reappropriated the unexpended balances remaining at the close of business				
30	on June 30, 2010, in the appropriation made in Item 41, Chapter 781, Acts of Assembly of				
31	2009, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary				
32	Mental Commitments and the balances remaining in these item details on June 30, 2011.				
33	C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may				
34	be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for				
35	Involuntary Mental Commitments by the Supreme Court or the Department of Medical				
36	Assistance Services.				
37	D.1. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund)				
38	shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
39	2. The Committee on District Courts, in consultation with the Virginia Association of				
40	Commonwealth's Attorneys and the Virginia Indigent Defense Commission, shall develop				
41	policies and procedures to reduce the number of misdemeanor charges for which the				
42	Commonwealth will seek incarceration, thereby reducing expenditures through the Criminal				
43	Fund for court-appointed counsel or for public defenders. The Executive Secretary of the				
44	Supreme Court shall provide a report by October 30, 2010, to the Governor and to the				
45	Chairmen of the Senate and House Courts of Justice Committees, and the Chairmen of the				
46	Senate Finance and House Appropriations Committees on the implementation of these policies				
47	and procedures.				
48	E. Out of the amount appropriated from the general fund for Other Court Costs and				
49	Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed				
50	\$40,000 the first year and not to exceed \$40,000 the second year to the Criminal Injuries				

ITEM 42.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the				
2	administration of the physical evidence recovery kit (PERK) program.				
3	F. A district court judge shall only be reimbursed for mileage for commuting if the judge has				
4	to travel to a courthouse in a county or city other than the one in which the judge resides and				
5	the distance between the judge's residence and the courthouse is greater than 25 miles.				
6	Total for General District Courts			\$93,766,638	\$93,766,638
7					\$94,114,187
8	General Fund Positions.....	1,018.10	1,018.10		
9	Position Level	1,018.10	1,018.10		
10	Fund Sources: General	\$93,766,638	\$93,766,638		
11			\$94,114,187		
12	Juvenile and Domestic Relations District Courts (115)				
13	43. Pre-Trial, Trial, and Appellate Processes (32100).....			\$78,488,861	\$78,488,861
14					\$78,985,856
15	Trial Processes (32103)	\$51,822,723	\$51,822,723		
16	Other Court Costs and Allowances (Criminal Fund)				
17	(32104)	\$26,358,783	\$26,358,783		
18			\$26,851,671		
19	Involuntary Mental Commitments (32105).....	\$307,355	\$307,355		
20			\$311,462		
21	Fund Sources: General	\$78,488,861	\$78,488,861		
22			\$78,985,856		
23	Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58,				
24	16.1-226 through 16.1-334, 19.2-163 and 37.1-67.1 et seq., Code of Virginia.				
25	A. Out of the amounts in this Item for Trial Processes shall be paid:				
26	1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges,				
27	\$142,329 from July 1, 2010, to November 24, 2010, \$142,329 from November 25, 2010, to				
28	November 24, 2011, and \$142,329 from November 25, 2011, to June 30, 2012. Such salary				
29	shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall				
30	represent the total compensation for Juvenile and Domestic Relations District Court Judges.				
31	2. The salaries of substitute judges and court personnel.				
32	B. There is hereby reappropriated the unexpended balances remaining at the close of business				
33	on June 30, 2010, in the appropriation made in Item 42, Chapter 781, Acts of Assembly of				
34	2009, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary				
35	Mental Commitments and the balances remaining in these item details on June 30, 2011.				
36	C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may				
37	be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for				
38	Involuntary Mental Commitments by the Supreme Court or the Department of Medical				
39	Assistance Services.				
40	D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall				
41	be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
42	E. Notwithstanding any other provision of law, when a Guardian ad Litem is appointed for a				
43	child by the Commonwealth, the juvenile and domestic relations district court or the circuit				
44	court, as the case may be, shall order the parent, parents, adoptive parent or adoptive parents of				
45	the child, or another party with a legitimate interest therein who has filed a petition with the				
46	court to reimburse the Commonwealth the costs of such services in an amount not to exceed				
47	the amount awarded the Guardian ad Litem by the court. If the court determines such party is				
48	unable to pay, the required reimbursement may be reduced or eliminated. In addition, it is the				
49	intent of the General Assembly that the Supreme Court actively administer the Guardian ad				

ITEM 43.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Litem program to ensure that payments made to Guardians ad Litem do not exceed that which				
2	is required. The Executive Secretary of the Supreme Court shall report August 1 and January 1				
3	of each year to the Chairmen of the House Appropriations and Senate Finance Committees on				
4	the amounts paid for Guardian ad Litem purposes, amounts reimbursed by parents and/or				
5	guardians, savings achieved, and management actions taken to further enhance savings under				
6	this program.				
7	F. Out of the amount appropriated from the general fund for Other Court Costs and				
8	Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed				
9	\$870,000 the first year and not to exceed \$870,000 the second year to the Criminal Injuries				
10	Compensation Fund, administered by the Virginia Workers' Compensation Commission for the				
11	administration of the physical evidence recovery kit (PERK) program.				
12	Total for Juvenile and Domestic Relations District				
13	Courts			\$78,488,861	\$78,488,861
14					\$78,985,856
15	General Fund Positions.....	594.10	594.10		
16	Position Level	594.10	594.10		
17	Fund Sources: General	\$78,488,861	\$78,488,861		
18			\$78,985,856		
19	Combined District Courts (116)				
20	44. Pre-Trial, Trial, and Appellate Processes (32100).....			\$21,878,843	\$21,878,843
21					\$22,006,639
22	Trial Processes (32103)	\$14,041,891	\$14,041,891		
23	Other Court Costs and Allowances (Criminal Fund)				
24	(32104)	\$6,471,524	\$6,471,524		
25			\$6,591,655		
26	Involuntary Mental Commitments (32105).....	\$1,365,428	\$1,365,428		
27			\$1,373,093		
28	Fund Sources: General	\$21,878,843	\$21,878,843		
29			\$22,006,639		
30	Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137,				
31	16.1-226 through 16.1-334, 19.2-163, and 37.1-67.1 et seq., Code of Virginia.				
32	A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute				
33	judges and court personnel.				
34	B. There is hereby reappropriated the unexpended balances remaining at the close of business				
35	on June 30, 2010, in the appropriation made in Item 43, Chapter 781, Acts of Assembly of				
36	2009, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary				
37	Mental Commitments and the balances remaining in these item details on June 30, 2011.				
38	C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may				
39	be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for				
40	Involuntary Mental Commitments by the Supreme Court or the Department of Medical				
41	Assistance Services.				
42	D. The appropriation in this Item for Other Court Costs and Allowances shall be used to				
43	implement the provisions of § 8.01-384.1:1, Code of Virginia.				
44	E. Out of the amount appropriated from the general fund for Other Court Costs and				
45	Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed				
46	\$95,000 the first year and not to exceed \$95,000 the second year to the Criminal Injuries				
47	Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the				
48	administration of the physical evidence recovery kit (PERK) program.				
49	Total for Combined District Courts			\$21,878,843	\$21,878,843
50					\$22,006,639

ITEM 44.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	General Fund Positions.....	204.55	204.55		
2	Position Level	204.55	204.55		
3	Fund Sources: General	\$21,878,843	\$21,878,843		
4			\$22,006,639		
5	45. Not set out.				
6	Grand Total for Supreme Court			\$373,525,553	\$373,525,553
7					\$375,250,553
8	General Fund Positions.....	2,634.71	2,634.71		
9	Nongeneral Fund Positions.....	6.00	6.00		
10	Position Level	2,640.71	2,640.71		
11	Fund Sources: General	\$362,799,947	\$362,799,947		
12			\$364,524,947		
13	Special	\$179,375	\$179,375		
14	Trust and Agency	\$129,280	\$129,280		
15	Dedicated Special Revenue	\$9,000,000	\$9,000,000		
16	Federal Trust.....	\$1,416,951	\$1,416,951		
17	46. Not set out.				
18	47. Not set out.				
19	48. Not set out.				
20	49. Not set out.				
21	50. Not set out.				
22	51. Not set out.				
23	52. Not set out.				
24	TOTAL FOR JUDICIAL DEPARTMENT			\$438,882,620	\$438,848,993
25					\$440,573,993
26	General Fund Positions.....	3,187.71	3,187.71		
27	Nongeneral Fund Positions.....	103.00	103.00		
28	Position Level	3,290.71	3,290.71		
29	Fund Sources: General	\$406,336,895	\$406,336,895		
30			\$408,061,895		
31	Special	\$9,611,864	\$9,578,237		
32	Trust and Agency	\$129,280	\$129,280		
33	Dedicated Special Revenue	\$21,387,630	\$21,387,630		
34	Federal Trust.....	\$1,416,951	\$1,416,951		

ITEM 53.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	EXECUTIVE DEPARTMENT			
2	EXECUTIVE OFFICES			
3 53.	Not set out.			
4 54.	Not set out.			
5 55.	Not set out.			
6 56.	Not set out.			
7 57.	Not set out.			
8 58.	Not set out.			
9 59.	Not set out.			
10 60.	Not set out.			
11 61.	Not set out.			
12 62.	Not set out.			
13 63.	Not set out.			
14 64.	Not set out.			
15 65.	Not set out.			
16 66.	Not set out.			
17	TOTAL FOR EXECUTIVE OFFICES.....		\$45,713,869	\$46,119,622
18	General Fund Positions.....	307.27	307.27	
19	Nongeneral Fund Positions.....	109.23	109.23	
20	Position Level	416.50	416.50	
21	Fund Sources: General	\$26,139,511	\$26,497,264	
22	Special.....	\$11,258,116	\$11,256,116	
23	Commonwealth Transportation	\$140,533	\$140,533	
24	Federal Trust.....	\$8,175,709	\$8,225,709	

ITEM 67.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
OFFICE OF ADMINISTRATION				
67.	Not set out.			
67.10.	Not set out.			
§ 1-3. COMPENSATION BOARD (157)				
67.20.	Financial Assistance for Sheriffs' Offices and Regional Jails (30700).....		\$416,244,832	\$407,169,052 \$405,794,654
	Financial Assistance for Regional Jail Operations (30710)	\$126,323,937	\$126,702,425	
	Financial Assistance for Local Law Enforcement (30712)	\$80,965,213	\$76,499,313	
	Financial Assistance for Local Court Services (30713)....	\$35,533,628	\$31,354,089	
	Financial Assistance to Sheriffs (30716)	\$10,993,390	\$10,840,965	
	Financial Assistance for Local Jail Operations (30718) ...	\$162,428,664	\$161,772,260 \$160,397,862	
	Fund Sources: General.....	\$408,244,832	\$399,169,052 \$397,794,654	
	Dedicated Special Revenue.....	\$8,000,000	\$8,000,000	
Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.				
A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.				
2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.				
<div>July 1, 2010 to June 30, 2011</div> <div>July 1, 2011 to November 30, 2011</div> <div>December 1, 2011 to June 30, 2012</div>				
Law Enforcement and Jail Responsibility				
	Less than 10,000	\$64,798	\$64,798	\$64,798
	10,000 to 19,999	\$74,480	\$74,480	\$74,480
	20,000 to 39,999	\$81,847	\$81,847	\$81,847
	40,000 to 69,999	\$88,964	\$88,964	\$88,964
	70,000 to 99,999	\$98,849	\$98,849	\$98,849
	100,000 to 174,999	\$109,833	\$109,833	\$109,833
	175,000 to 249,999	\$115,613	\$115,613	\$115,613
	250,000 and above	\$128,458	\$128,458	\$128,458
Law Enforcement or Jail				
	Less than 10,000	\$63,501	\$63,501	\$63,501
	10,000 to 19,999	\$72,989	\$72,989	\$72,989
	20,000 to 39,999	\$80,209	\$80,209	\$80,209

ITEM 67.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	40,000 to 69,999	\$87,184	\$87,184	\$87,184	
2	70,000 to 99,999	\$96,872	\$96,872	\$96,872	
3	100,000 to 174,999	\$107,635	\$107,635	\$107,635	
4	175,000 to 249,999	\$113,301	\$113,301	\$113,301	
5	250,000 and above	\$126,531	\$126,531	\$126,531	
6					
7	No Law Enforcement or Jail Responsibility				
8					
9	Less than 10,000	\$59,667	\$59,667	\$59,667	
10	10,000 to 19,999	\$66,296	\$66,296	\$66,296	
11	20,000 to 39,999	\$73,661	\$73,661	\$73,661	
12	40,000 to 69,999	\$81,847	\$81,847	\$81,847	
13	70,000 to 99,999	\$90,942	\$90,942	\$90,942	
14	100,000 to 174,999	\$101,045	\$101,045	\$101,045	
15	175,000 to 249,999	\$106,361	\$106,361	\$106,361	
16	250,000 and above	\$119,466	\$119,466	\$119,466	
17	B. Out of the amounts provided for in this item, no expenditures shall be made to provide				
18	security devices such as magnetometers in standard use in major metropolitan airports.				
19	Personnel expenditures for operation of such equipment incidental to the duties of courtroom				
20	and courthouse security deputies may be authorized, provided that no additional expenditures				
21	for personnel shall be approved for the principal purpose of operating these devices.				
22	C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia,				
23	unless a judge provides the sheriff with a written order stating that a substantial security risk				
24	exists in a particular case, no courtroom security deputies may be ordered for civil cases, not				
25	more than one deputy may be ordered for criminal cases in a district court, and not more than				
26	two deputies may be ordered for criminal cases in a circuit court. In complying with such				
27	orders for additional security, the sheriff may consider other deputies present in the courtroom				
28	as part of his security force.				
29	D. Should the scheduled opening date of any facility be delayed for which funds are available				
30	in this item, the Director, Department of Planning and Budget, may allot such funds as the				
31	Compensation Board may request to allow the employment of staff for training purposes not				
32	more than 45 days prior to the rescheduled opening date for the facility.				
33	E. Consistent with the provisions of paragraph B of Item 67.90, the board shall allocate the				
34	additional jail deputies provided in this appropriation using a ratio of one jail deputy for every				
35	3.0 beds of operational capacity. Operational capacity shall be determined by the Department of				
36	Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local				
37	jail in which the present staffing exceeds this ratio unless the jail is overcrowded.				
38	Overcrowding for these purposes shall be defined as when the average annual daily population				
39	exceeds the operational capacity. In those jails experiencing overcrowding, the board may				
40	allocate one additional jail deputy for every five average annual daily prisoners above				
41	operational capacity. Should overcrowding be reduced or eliminated in any jail, the				
42	Compensation Board shall reallocate positions previously assigned due to overcrowding to				
43	other jails in the Commonwealth that are experiencing overcrowding.				
44	F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate				
45	classification positions approved by the Compensation Board for local correctional facilities				
46	shall be paid out of this appropriation.				
47	G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation				
48	Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had				
49	certified, on or before January 1, 1997, having a career development plan for deputy sheriffs				
50	that meets the minimum criteria set forth by the Compensation Board for such plans. The				
51	Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one				
52	grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in				
53	each sheriff's office.				
54	2. Each sheriff who desires to participate in the Master Deputy Program who had not certified				
55	a career development plan on or before January 1, 1997, may elect to participate by certifying				

ITEM 67.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	to the Compensation Board that the career development plan in effect in his office meets the			
2	minimum criteria for such plans as set by the Compensation Board. Such election shall be			
3	made by July 1 for an effective date of participation the following July 1.			
4	3. Subject to appropriations by the General Assembly for this purpose, funding shall be			
5	provided by the Compensation Board for participation in the Master Deputy Program to			
6	sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by			
7	the Compensation Board of the election by the sheriff.			
8	4. Beginning on July 1, 2010, state support for the Master Deputy Program is suspended for			
9	any individual who was not participating in the program on January 1, 2010.			
10	I. The Compensation Board shall estimate biannually the number of additional law enforcement			
11	deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such			
12	estimate of the number of positions and related costs shall be included in the board's biennial			
13	budget request submission to the Governor and General Assembly. The allocation of such			
14	positions, established by the Governor and General Assembly in Item 67.90 of this act, shall be			
15	determined by the Compensation Board on an annual basis. The annual allocation of these			
16	positions to local sheriffs' offices shall be based upon the most recent final population estimate			
17	for the locality that is available to the Compensation Board at the time when the agency's			
18	annual budget request is completed. The source of such population estimates shall be the			
19	Weldon Cooper Center for Public Service of the University of Virginia or the United States			
20	Bureau of the Census. For the first year of the biennium, the Compensation Board shall			
21	allocate positions based upon the most recent provisional population estimates available at the			
22	time the agency's annual budget is completed.			
23	J. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails			
24	may be transferred between Items 67.20 and 67.30, as needed, to cover any deficits incurred in			
25	the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities,			
26	and Financial Assistance for Sheriffs' Offices and Regional Jails.			
27	K.1. Subject to appropriations by the General Assembly for this purpose, the Compensation			
28	Board shall provide for a Sheriffs' Career Development Program.			
29	2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs'			
30	Career Development Program have been met, and provided that such certification is submitted			
31	by Sheriffs as part of their annual budget request to the Compensation Board, the board shall			
32	increase the annual salary shown in Paragraph A of this item by the percentage shown below			
33	for a twelve-month period effective the following July 1:			
34	a. 9.3 percent increase for all sheriffs who certify their compliance with the established			
35	minimum criteria for the Sheriffs' Career Development Program, where such criteria include			
36	that a sheriff's office seeking accreditation has been assessed and will be considered for			
37	accreditation by the accrediting body no later than March 1, and have achieved accreditation by			
38	March 1 from the Virginia Law Enforcement Professional Standards Commission, or the			
39	Commission on Accreditation of Law Enforcement agencies, or the American Correctional			
40	Association, or,			
41	b. For sheriffs that have not achieved one of the above accreditations:			
42	1. 3.1 percent for all sheriffs who certify their compliance with the established minimum			
43	criteria for the Sheriffs' Career Development Program; and			
44	2. 3.1 percent additional increase for sheriffs who certify their compliance with the established			
45	minimum criteria for the Sheriffs' Career Development Program and operate a jail; and			
46	3. 3.1 percent additional increase for all sheriffs who certify their compliance with the			
47	established minimum criteria for the Sheriffs' Career Development Program and provide			
48	primary law enforcement services in the county.			
49	4. State support for the Sheriffs' Career Development Program is suspended for any individual			
50	who was not participating in the program on January 1, 2010.			
51	L. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia,			

ITEM 67.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	\$8,000,000 the first year and \$8,000,000 the second year from the Wireless E-911 Fund is				
2	included in this appropriation for local law enforcement dispatchers to offset dispatch center				
3	operations and related costs.				
4	M. Included in the appropriation for this item is \$1,811,259 the first year and \$2,683,223				
5	\$2,294,794 the second year from the general fund to support costs associated with staffing the				
6	Rappahannock Regional Jail Unit D, the Pittsylvania County Jail expansion, the replacement				
7	facility for the Patrick County Jail and the Blue Ridge Regional Jail expansion.				
8	N. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local				
9	and regional jails may charge inmates participating in inmate work programs a reasonable daily				
10	amount, not to exceed the actual daily cost, to operate the program.				
11	O. Included in this appropriation is \$1,004,500 the second year from the general fund for the				
12	Compensation Board to contract for services to be provided by the Virginia Center for Policing				
13	Innovation to implement and maintain the interface between all local and regional jails in the				
14	Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide				
15	for SAVIN program coordination, and to maintain the interface between SAVIN and the				
16	Virginia Sex Offender Registry.				
17	P. After satisfying the provisions of Item 96.J.5. of this act, there is hereby appropriated in the				
18	second year an amount not to exceed \$7,373,722 from that portion of the general fund balance				
19	designated by the State Comptroller on June 30, 2011, for nonrecurring expenditures pursuant				
20	to §2.2-1514B., Code of Virginia.				
21	67.30. Financial Assistance for Confinement of Inmates in				
22	Local and Regional Facilities (35600).....			\$53,744,949	\$49,888,871
23					\$54,484,638
24	Financial Assistance for Local Jail Per Diem (35601)	\$33,272,258	\$32,289,590		
25			\$34,679,389		
26	Financial Assistance for Regional Jail Per Diem				
27	(35604)	\$20,472,691	\$17,599,281		
28			\$19,805,249		
29	Fund Sources: General	\$53,744,949	\$49,888,871		
30			\$54,484,638		
31	Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.				
32	A. In the event the appropriation in this item proves to be insufficient to fund all of its				
33	provisions, any amount remaining as of June 1, 2011, and June 1, 2012, may be reallocated				
34	among localities on a pro rata basis according to such deficiency.				
35	B. For the purposes of this item, the following definitions shall be applicable:				
36	1. Effective sentence—a convicted offender's sentence as rendered by the court less any portion				
37	of the sentence suspended by the court.				
38	2. Local responsible inmate—(a) any person arrested on a state warrant and incarcerated in a				
39	local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any				
40	person convicted of a misdemeanor offense and sentenced to a term in a local correctional				
41	facility; or (c) any person convicted of a felony offense and given an effective sentence of (i)				
42	twelve months or less or (ii) less than one year.				
43	3. State responsible inmate—any person convicted of one or more felony offenses and (a) the				
44	sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is				
45	(i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective				
46	sentences for felonies, committed before January 1, 1995, is more than two years.				
47	C. The individual or entity responsible for operating any facility which receives funds from this				
48	item may, if requested by the Department of Corrections, enter into an agreement with the				
49	department to accept the transfer of convicted felons, from other local facilities or from				
50	facilities operated by the Department of Corrections. In entering into any such agreements, or				
51	in effecting the transfer of offenders, the Department of Corrections shall consider the security				

ITEM 67.30.		Item Details(\$)		Appropriations(\$)	
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1	requirements of transferred offenders and the capability of the local facility to maintain such				
2	offenders. For purposes of calculating the amount due each locality, all funds earned by the				
3	locality as a result of an agreement with the Department of Corrections shall be included as				
4	receipts from these appropriations.				
5	D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the				
6	second year from the general fund, is designated to be held in reserve for unbudgeted medical				
7	expenses incurred by local correctional facilities in the care of state responsible felons.				
8	E. The following amounts shall be paid out of this appropriation to compensate localities for				
9	the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of				
10	Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to				
11	incarceration program operated by, or under the authority of, the sheriff or jail board:				
12	1. For local responsible inmates—\$4 per inmate day, or, if the inmate is housed and				
13	maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate				
14	day.				
15	2. For state responsible inmates—\$12 per inmate day.				
16	F. For the payment specified in paragraph E1 of this item for prisoners in alternative				
17	punishment or alternative to incarceration programs:				
18	1. Such payment is intended to be made for prisoners that would otherwise be housed in a				
19	local correctional facility. It is not intended for prisoners that would otherwise be sentenced to				
20	community service or placed on probation.				
21	2. No such payment shall be made unless the program has been approved by the Department of				
22	Corrections or the Department of Criminal Justice Services. Alternative punishment or				
23	alternative to incarceration programs, however, may include supervised work experience,				
24	treatment, and electronic monitoring programs.				
25	G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this				
26	item, the Compensation Board shall provide payment to any locality with an average daily jail				
27	population of under ten in FY 1995 an inmate per diem rate of \$22 per day for local				
28	responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of				
29	personal service costs for corrections' officers.				
30	2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions				
31	thereof provided that the locally elected sheriff, with the assistance of the Compensation Board,				
32	enters into good faith negotiations to house his prisoners in an existing local or regional jail. In				
33	establishing the per diem rate and capital contribution, if any, to be charged to such locality by				
34	a local or regional jail, the Compensation Board and the local sheriff or regional jail authority				
35	shall consider the operating support and capital contribution made by the Commonwealth, as				
36	required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The				
37	Compensation Board shall report periodically to the Chairmen of the House Appropriations and				
38	Senate Finance Committees on the progress of these negotiations and may withhold the				
39	exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to				
40	negotiate in good faith.				
41	H.1. The Compensation Board shall recover the state-funded costs associated with housing				
42	federal inmates, District of Columbia inmates or contract inmates from other states. The				
43	Compensation Board shall determine, by individual jail, the amount to be recovered by the				
44	Commonwealth by multiplying the jail's current inmate days for this population by the				
45	proportion of the jail's per inmate day salary funds provided by the Commonwealth, as				
46	identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning				
47	July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be				
48	recovered by the Commonwealth by multiplying the jail's current inmate days for this				
49	population by the proportion of the jail's per inmate day operating costs provided by the				
50	Commonwealth, excluding payments otherwise provided for in this item, as identified in the				
51	most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in				
52	the most recent Jail Cost Report, the Compensation Board shall use the statewide average of				
53	per inmate day salary funds provided by the Commonwealth.				

ITEM 67.30.		Item Details(\$)		Appropriations(\$)	
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1	2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth				
2	from the facility's next quarterly per diem payment for state-responsible and local-responsible				
3	inmates. Should the next quarterly per diem payment owed the locality not be sufficient against				
4	which to net the total quarterly recovery amount, the locality shall remit the remaining amount				
5	not recovered to the Compensation Board.				
6	3. Any local or regional jail which receives funding from the Compensation Board shall give				
7	priority to the housing of local-responsible, state-responsible, and state contract inmates, in that				
8	order, as provided in paragraph H1.				
9	4. The Compensation Board shall not provide any inmate per diem payments to any local or				
10	regional jail which holds federal inmates in excess of the number of beds contracted for with				
11	the Department of Corrections, unless the Director, Department of Corrections, certifies to the				
12	Chairman of the Compensation Board that a) such contract beds are not required; b) the facility				
13	has operational capacity built under contract with the federal government; c) the facility has				
14	received a grant from the federal government for a portion of the capital costs; or d) the				
15	facility has applied to the Department of Corrections for participation in the contract bed				
16	program with a sufficient number of beds to meet the Department of Corrections' need or				
17	ability to fund contract beds at that facility in any given fiscal year.				
18	6. The Compensation Board shall apply the cost recovery methodology set out in paragraph H1				
19	of this item to any jail which holds inmates from another state on a contractual basis. However,				
20	recovery in such circumstances shall not be made for inmates held pending extradition to other				
21	states or pending transfer to the Virginia Department of Corrections.				
22	7. The provisions of this paragraph shall not apply to any local or regional jail where the				
23	cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital				
24	contribution.				
25	I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and				
26	Regional Facilities, may be transferred between items 67.20 and 67.30, as needed, to cover any				
27	deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails				
28	and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.				
29	J. Projected growth in per diem payments for the support of prisoners in local and regional				
30	jails shall be based on actual inmate population counts up through the first quarter of the				
31	affected fiscal year.				
32	K. The Compensation Board shall provide an annual report on the number and diagnoses of				
33	inmates with mental illnesses in local and regional jails, the treatment services provided, and				
34	expenditures on jail mental health programs. The report shall be prepared in cooperation with				
35	the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia				
36	Association of Community Services Boards, and the Department of Behavioral Health and				
37	Developmental Services , and shall be coordinated with the data submissions required for the				
38	annual jail cost report. Copies of this report shall be provided by November 1 of each year to				
39	the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate				
40	Finance and House Appropriations Committees.				
41	67.40. Not set out.				
42	67.50. Not set out.				
43	67.60. Not set out.				
44	67.70. Not set out.				
45	67.80. Not set out.				
46	67.90. Not set out.				
47	67.95. Not set out.				

ITEM 67.95.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Total for Compensation Board.....			\$624,788,226	\$611,247,441
2					\$614,468,810
3	General Fund Positions.....	20.00	20.00		
4	Nongeneral Fund Positions.....	1.00	1.00		
5	Position Level	21.00	21.00		
6	Fund Sources: General	\$606,033,466	\$595,247,441		
7			\$598,468,810		
8	Trust and Agency	\$10,754,760	\$8,000,000		
9	Dedicated Special Revenue	\$8,000,000	\$8,000,000		
10	§ 1-4. DEPARTMENT OF GENERAL SERVICES (194)				
11	68. Not set out.				
12	69. Not set out.				
13	70. Not set out.				
14	71. Not set out.				
15	72. Not set out.				
16	73. Transportation Pool Services (82300).....			a sum	sufficient
17	Statewide Vehicle Management Services (82302)	a sum sufficient			
18	Fund Sources: Internal Service.....	a sum sufficient			
19	Authority: Title 2.2, Chapter 11, Article 7; § 2.2-120, Code of Virginia.				
20	A. Included in statewide vehicle management services is an internal service fund derived from				
21	charges to agencies for those services. The estimated cost for this internal service fund is				
22	\$16,500,000 the first year and \$18,750,000 the second year.				
23	B. In addition to providing services to state agencies and institutions, fleet management				
24	services may also be provided to local public bodies on a fee for service basis in accordance				
25	with established Department of General Services Fleet Management policies and procedures.				
26	C. The Department of General Services shall advance the consolidation of bulk and commercial				
27	fuel purchases into a single procurement action as recommended in the Vehicle Fleet				
28	Operational Review conducted in 2007. The intent of this consolidation will be to leverage the				
29	Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume into a				
30	single procurement action to achieve the most favored pricing from private sector fuel				
31	providers.				
32	D. The Commonwealth of Virginia, Department of General Services may enter into a				
33	comprehensive agreement, or multiple comprehensive agreements, pursuant to the				
34	Public-Private Education Facilities and Infrastructure Act - 2002 (§ 56-575.1 et seq.), to				
35	achieve the purposes of § 2.2-1176(B) and result in the replacement of state-owned or operated				
36	vehicles with vehicles that operate on alternative fuels. Any agreement entered into must be				
37	cost neutral or result in a reduction in the Commonwealth's combined vehicle acquisition and				
38	operational costs, and result in lower environmental emissions. The agreements shall not be				
39	subject to the requirements found in Title 30, Chapter 42, Code of Virginia (§ 30-278 et. seq.).				
40	The Director, Department of General Services, in consultation with the Governor's Senior				
41	Advisor on Energy and the Secretary of Finance, shall determine whether the agreement is cost				
42	neutral or results in cost savings to the Commonwealth.				
43	74. Not set out.				
44	Total for Department of General Services.....			\$59,147,636	\$59,262,636

ITEM 74.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	General Fund Positions.....	242.00	242.00		
2	Nongeneral Fund Positions.....	414.50	414.50		
3	Position Level	656.50	656.50		
4	Fund Sources: General	\$18,565,175	\$18,592,649		
5	Special.....	\$6,176,878	\$6,264,404		
6	Enterprise	\$25,283,970	\$25,283,970		
7	Federal Trust.....	\$9,121,613	\$9,121,613		
8	75. Not set out.				
9	76. Not set out.				
10	77. Not set out.				
11	78. Not set out.				
12	79. Not set out.				
13	80. Not set out.				
14	TOTAL FOR OFFICE OF ADMINISTRATION			\$939,360,149	\$923,979,210
15					\$927,200,579
16	General Fund Positions.....	375.50	375.50		
17	Nongeneral Fund Positions.....	487.00	487.00		
18	Position Level	862.50	862.50		
19	Fund Sources: General	\$640,756,918	\$628,463,213		
20			\$631,684,582		
21	Special.....	\$12,405,998	\$12,698,524		
22	Commonwealth Transportation	\$1,506,868	\$1,506,868		
23	Enterprise	\$250,283,970	\$250,283,970		
24	Trust and Agency	\$17,258,582	\$13,878,822		
25	Dedicated Special Revenue	\$8,000,000	\$8,000,000		
26	Federal Trust.....	\$9,147,813	\$9,147,813		

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF AGRICULTURE AND FORESTRY			
2 81.	Not set out.			
3 82.	Not set out.			
4 83.	Not set out.			
5 84.	Not set out.			
6 85.	Not set out.			
7 86.	Not set out.			
8 87.	Not set out.			
9 88.	Not set out.			
10 89.	Not set out.			
11 90.	Not set out.			
12 91.	Not set out.			
13 92.	Not set out.			
14 93.	Not set out.			
15 94.	Not set out.			
16	TOTAL FOR OFFICE OF AGRICULTURE AND			
17	FORESTRY.....			
			\$84,135,182	\$86,178,505
18	General Fund Positions.....	492.48	492.48	
19	Nongeneral Fund Positions.....	301.52	304.52	
20	Position Level	794.00	797.00	
21	Fund Sources: General	\$41,019,978	\$43,388,942	
22	Special	\$14,422,439	\$13,882,439	
23	Trust and Agency	\$5,868,068	\$5,868,068	
24	Dedicated Special Revenue	\$9,881,917	\$9,881,917	
25	Federal Trust.....	\$12,942,780	\$13,157,139	

ITEM 95.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

OFFICE OF COMMERCE AND TRADE

§ 1-5. SECRETARY OF COMMERCE AND TRADE (192)

95. Not set out.

Economic Development Incentive Payments (312)

96.	Economic Development Services (53400).....		\$50,470,436	\$54,150,384
	Financial Assistance for Economic Development			\$46,470,384
	(53410)	\$50,470,436	\$54,150,384	
			\$46,470,384	
	Fund Sources: General	\$49,995,436	\$53,775,384	
			\$46,095,384	
	Dedicated Special Revenue	\$475,000	\$375,000	

Authority: Discretionary Inclusion.

B.1. Out of the amounts in this Item, \$23,911,055 the first year and \$11,811,055 the second year from the general fund shall be deposited to the Governor's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Governor's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

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

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

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

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

6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Governor's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.

ITEM 96.		Item Details(\$)		Appropriations(\$)	
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1	7. Any funds appropriated in Item 105, paragraph B. 6, Chapter 781, Acts of Assembly of				
2	2009, to offset training expenses for a major automotive employer operating a diesel assembly				
3	and test facility in the City of Newport News, contingent upon such employer having entered				
4	into a performance agreement with the Virginia Economic Development Partnership describing				
5	the employer's commitments regarding job creation and retention, remaining on June 30, 2010,				
6	shall be carried forward and available for expenditure. The funds shall be administered in a				
7	manner similar to existing training grant programs permitted under § 2.2-902, Code of				
8	Virginia. The major automotive employer shall certify to the Secretary of Commerce and				
9	Trade that it has retained at least 500 jobs in the Commonwealth and has taken actions to				
10	increase employment by at least 250 new full-time jobs in the Commonwealth.				
11	C. Out of the appropriation for this Item, \$1,600,000 the first year and \$5,400,000 the second				
12	year from the general fund shall be deposited to the Semiconductor Memory or Logic Wafer				
13	Manufacturing Performance Grant Fund to be used to pay semiconductor memory or logic				
14	wafer manufacturing performance grants in accordance with § 59.1-284.14.1, Code of Virginia.				
15	D.1. Out of the appropriation for this Item, \$1,795,381 the first year and \$2,547,329				
16	\$2,367,329 the second year from the general fund shall be deposited to the Investment				
17	Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to				
18	pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.				
19	2. Consideration should be given to economic development projects that 1) are in areas of high				
20	unemployment; 2) link commercial development along existing transportation/transit corridors				
21	within regions; and 3) are located near existing public infrastructure.				
22	E.1. Out of the appropriation for this Item, \$5,000,000 the second year from the general fund				
23	shall be deposited to the Major Eligible Employer Grant subfund of the Virginia Investment				
24	Partnership Grant Fund to be used to pay investment performance grants in accordance with				
25	§2.2-5102, Code of Virginia.				
26	2. Consideration should be given to economic development projects that 1) are in areas of high				
27	unemployment; 2) link commercial development along existing transportation/transit corridors				
28	within regions; and 3) are located near existing public infrastructure.				
29	F. Out of the appropriation for this Item \$1,000,000 in the first year and \$3,000,000 in the				
30	second year from the general fund and an amount estimated at \$475,000 the first year and				
31	\$375,000 the second year from nongeneral funds shall be deposited to the Governor's Motion				
32	Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral				
33	fund revenues shall be deposited to the fund from revenues generated by the digital media fee				
34	established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the				
35	discretion of the Governor to attract film industry production activity to the Commonwealth.				
36	G. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the second				
37	year from the general fund shall be used to pay grants in accordance with §2.2-2240.1, Code of				
38	Virginia. It is the intent of the General Assembly to fulfill the commitment made to provide				
39	incentive payments for the location of a research related entity in accordance with the time				
40	frames set out in § 2.2-2240.1 D, Code of Virginia.				
41	H. Out of the appropriation for this Item, \$9,769,000 the first year and \$10,517,000 \$7,517,000				
42	the second year from the general fund shall be used in support of the location of an aerospace				
43	engine facility in Prince George County. In accordance with a memorandum of understanding				
44	between the Commonwealth and the aerospace engine manufacturer, the funds may be used for				
45	chaired professorships, research, laboratory renovations, community college programs, graduate				
46	student and internship endowments, workforce training, project management, and training grants				
47	in accordance with §59.1-284.22, Code of Virginia. The Director, Department of Planning and				
48	Budget shall transfer these funds to the impacted state agencies and institutions upon request				
49	filed with the Director, Department of Planning and Budget by the respective state agency or				
50	institution.				
51	J.1. Out of the appropriation for this Item, \$7,500,000 in the first year from the general fund is				
52	included to assist impacted localities in funding needs associated with the implementation of				
53	and response to the recommendations of the 2005 Base Realignment and Closure Commission				
54	(BRAC) which were subsequently agreed to by the President and the United States' Congress.				
55	Grants allocated from this appropriation shall be aimed at fostering collaborative efforts among				

ITEM 96.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	state agencies, local governments and regional entities to address quantifiable costs or impacts				
2	resulting from specific actions to implement the recommendations of the BRAC or to protect				
3	the Commonwealth's strategic, homeland security, and economic interests in response to such				
4	implementation and similar actions. Individual grants may be for either operating or capital				
5	expenses but shall be matched by either cash or in-kind contributions. Moreover, no grant shall				
6	be used to supplant funding currently provided by other levels of government or by private				
7	sources.				
8	2. Notwithstanding 1.B of Chapter 266 of the 2006 Acts of Assembly, any locality in which a				
9	United States Navy Master Jet Base is located may use state funds appropriated in paragraph				
10	J.1. of this Item and local funds set aside for this purpose and administered by the Virginia				
11	National Defense Industrial Authority to mitigate adverse affects on any military operations				
12	caused by the encroachment of incompatible land uses.				
13	3. The Governor shall approve all grants from this appropriation based on a written evaluation				
14	of the proposals received. The evaluation shall be prepared by staff from the Office of				
15	Commonwealth Preparedness <i>the Secretary of Veterans Affairs and Homeland Security</i> , the				
16	Office of the Secretary of Commerce and Trade, the Office of the Secretary of Finance, and the				
17	Virginia National Defense Industrial Authority, and among other factors, shall consider the				
18	significance of the impact being addressed, the likelihood that the proposal will achieve its				
19	intended objective, and the amount and type of commitment to match state funds. In allocating				
20	state funds, priority shall be given first to any locality in which a United States Navy Master				
21	Jet Base is located, and then to proposals which have regional impact. The Governor shall				
22	notify the chairmen of the House Appropriations Committee and the Senate Finance Committee				
23	of the recipient and the purpose of each approved grant at least 15 days prior to the actual				
24	distribution of funds.				
25	4. All proceeds from the lease, disposal or conveyance of any property acquired through the				
26	use of this appropriation, or any prior appropriation for this purpose, shall only be used for				
27	additional property acquisition pursuant to Chapter 266 of the 2006 Acts of Assembly.				
28	5. There is hereby appropriated in the second year an amount not to exceed \$7,500,000 from				
29	that portion of the general fund balance designated by the State Comptroller on June 30, 2011,				
30	for nonrecurring expenditures pursuant to §2.2-1514B., Code of Virginia, to address the				
31	Commonwealth's commitment in response to the recommendations of the 2005 Base				
32	Realignment and Closure Commission to assist any locality in which a United States Navy				
33	Master Jet Base is located to mitigate the adverse affects on any military operation caused by				
34	the encroachment of incompatible land uses. These funds shall be used only to mitigate adverse				
35	impacts in Accident Potential Zone 1 and Clear Zone areas. On or before November 1, 2011,				
36	the locality shall report to the Chairmen of House Appropriations, Senate Finance Committees,				
37	and the Governor on the specific properties purchased and the balance of monies remaining.				
38	K. Authorized in this item is the use of \$5,000,000 the first year from nongeneral fund sources				
39	for the site planning fund created pursuant to § 2.2-2240.2, Code of Virginia, to assist political				
40	subdivisions in the performance of site and site development work for prospective Major				
41	Employment and Investment (MEI) Projects, as defined in § 2.2-2260, Code of Virginia.				
42	Grants allocated from this appropriation shall be approved by the Governor and made in				
43	accordance with procedures and guidelines established by the Virginia Economic Development				
44	Partnership. The guidelines and procedures shall give consideration in order to (i) ensure				
45	geographical representation of awards, (ii) limit the amount of annual recipients, (iii) identify				
46	strategic targets and select sites that are compatible with the strategic targets, and (iv) promote				
47	regional revenue sharing.				
48	L. Out of the appropriation for this Item, up to \$3,420,000 the first year from the general fund				
49	shall be paid for a grant for the reimbursement of sales and use taxes paid by an eligible entity				
50	for purchase of certain computer equipment and enabling hardware pursuant to the second				
51	enactment clause of Senate Bill 130/House Bill 302, 2010 Session of the General Assembly.				
52	M. Out of the appropriation for this Item, up to \$4,500,000 the second year from the general				
53	fund shall be transferred to the Department of Mines, Minerals and Energy for deposit to the				
54	Biofuels Production Fund. These funds are to be used to provide a grant in support of the				
55	location and construction of a non-advanced neat biofuel production facility in the City of				
56	Hopewell. In the event grant obligations are due in the first year, the Director, Department of				
57	Planning and Budget is hereby authorized to transfer funding from the second year to the first				

ITEM 96.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	year to make necessary payments.— The grant shall be in an amount equal to \$0.10 for each				
2	gallon of neat biofuels sold by the producer in the calendar year.— Such producer shall be				
3	eligible for a grant from the Biofuels Production Fund established under § 45-1-393, Code of				
4	Virginia, only for each gallon of neat biofuels that it produces in the Commonwealth on or				
5	after January 1, 2008, which gallon has also been sold by the producer to customers.				
6	N. Out of the appropriation for this Item, \$10,000,000 the second year from the general fund,				
7	which shall be utilized for the purposes set forth in House Bill 2324 and Senate Bill 1485, as				
8	adopted by the 2011 General Assembly as follows: \$4,000,000 shall be deposited into the				
9	Center for Innovative Technology's GAP Funds and \$6,000,000 shall be deposited into the				
10	Commonwealth Research Commercialization Fund created pursuant to § 2.2-2233.1, Code of				
11	Virginia. Of the amounts provided for the Commonwealth Research Commercialization Fund,				
12	\$2,000,000 shall be used for a Small Business Innovation Research Matching Fund Program for				
13	Virginia-based technology businesses.				
14	Total for Economic Development Incentive Payments.....			\$50,470,436	\$54,150,384
15					\$46,470,384
16	Fund Sources: General.....	\$49,995,436	\$53,775,384		
17			\$46,095,384		
18	Dedicated Special Revenue.....	\$475,000	\$375,000		
19	Grand Total for Secretary of Commerce and Trade			\$51,095,242	\$54,775,190
20					\$47,095,190
21	General Fund Positions.....	7.00	7.00		
22	Position Level	7.00	7.00		
23	Fund Sources: General.....	\$50,620,242	\$54,400,190		
24			\$46,720,190		
25	Dedicated Special Revenue.....	\$475,000	\$375,000		
26	97. Not set out.				
27	98. Not set out.				
28	§ 1-6. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)				
29	99. Not set out.				
30	100. Community Development Services (53300).....			\$54,889,810	\$58,627,473
31					\$61,227,114
32	Community Development and Revitalization (53301).....	\$4,479,598	\$7,979,598		
33	Financial Assistance for Regional Cooperation (53303)...	\$2,223,137	\$2,456,006		
34	Financial Assistance for Community Development				
35	(53305)	\$48,187,075	\$48,191,869		
36			\$50,791,510		
37	Fund Sources: General.....	\$11,931,336	\$15,668,999		
38			\$18,268,640		
39	Special.....	\$212,012	\$212,012		
40	Dedicated Special Revenue.....	\$7,000,000	\$7,000,000		
41	Federal Trust.....	\$35,746,462	\$35,746,462		
42	Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11;				
43	and Title 59.1, Chapter 22, Code of Virginia.				
44	A. This appropriation includes annual membership dues to the Appalachian Regional				
45	Commission, \$351,930 the first year and \$351,930 the second year, from the general fund.				
46	These dues are payable from the amounts for Community Development and Revitalization.				
47	2. The department and local program administrators shall make every reasonable effort to				
48	provide participants basic financial counseling to enhance their ability to benefit from the				
49	Indoor Plumbing Program and to foster their movement to economic self-sufficiency.				

ITEM 100.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	C. Out of the amounts for Community Development Services shall be paid from the general				
2	fund in four equal quarterly installments each year:				
3	1. To the Lenowisco Planning District Commission, \$66,062 the first year and \$75,971 the				
4	second year, which includes \$38,610 the first year and \$38,610 the second year for				
5	responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia,				
6	and the Virginia Coalfield Economic Development Authority.				
7	2. To the Cumberland Plateau Planning District Commission, \$66,062 the first year and				
8	\$75,971 the second year, which includes \$42,390 the first year and \$42,390 the second year for				
9	responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia,				
10	and the Virginia Coalfield Economic Development Authority.				
11	3. To the Mount Rogers Planning District Commission, \$66,062 the first year and \$75,971 the				
12	second year.				
13	4. To the New River Valley Planning District Commission, \$66,062 the first year and \$75,971				
14	the second year.				
15	5. To the Roanoke Valley-Alleghany Regional Commission, \$66,062 the first year and \$75,971				
16	the second year.				
17	6. To the Central Shenandoah Planning District Commission, \$66,062 the first year and				
18	\$75,971 the second year.				
19	7. To the Northern Shenandoah Valley Regional Commission, \$66,062 the first year and				
20	\$75,971 the second year.				
21	8. To the Northern Virginia Regional Commission, \$132,124 the first year and \$151,943 the				
22	second year.				
23	9. To the Rappahannock-Rapidan Regional Commission, \$66,062 the first year and \$75,971 the				
24	second year.				
25	10. To the Thomas Jefferson Planning District Commission, \$66,062 the first year and \$75,971				
26	the second year.				
27	11. To the Region 2000 Local Government Council, \$66,062 the first year and \$75,971 the				
28	second year.				
29	12. To the West Piedmont Planning District Commission, \$66,062 the first year and \$75,971				
30	the second year.				
31	13. To the Southside Planning District Commission, \$66,062 the first year and \$75,971 the				
32	second year.				
33	14. To the Commonwealth Regional Council, \$66,062 the first year and \$75,971 the second				
34	year.				
35	15. To the Richmond Regional Planning District Commission, \$99,093 the first year and				
36	\$113,957 the second year.				
37	16. To the George Washington Regional Commission, \$66,062 the first year and \$75,971 the				
38	second year.				
39	17. To the Northern Neck Planning District Commission, \$66,062 the first year and \$75,971				
40	the second year.				
41	18. To the Middle Peninsula Planning District Commission, \$66,062 the first year and \$75,971				
42	the second year.				
43	19. To the Crater Planning District Commission, \$66,062 the first year and \$75,971 the second				
44	year.				

ITEM 100.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	20. To the Accomack-Northampton Planning District Commission, \$66,062 the first year and				
2	\$75,971 the second year.				
3	21. To the Hampton Roads Planning District Commission \$132,124 the first year, and				
4	\$151,943 the second year.				
5	D. Out of the amounts provided to the department shall be provided \$668,442 the first year				
6	and \$968,442 the second year from the general fund for the Southeast Rural Community				
7	Assistance Project (formerly known as the Virginia Water Project) operating costs and water				
8	and wastewater grants. The department shall disburse the total payment each year in twelve				
9	equal monthly installments.				
10	F. 1. Out of the amounts in this Item shall be provided \$95,000 the first year and \$95,000 the				
11	second year from the general fund for the Center for Rural Virginia. The department shall				
12	report periodically to the Chairmen of the Senate Finance and House Appropriations				
13	Committees on the status, needs and accomplishments of the center.				
14	2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the				
15	budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and				
16	shall report periodically to the Chairmen of the Senate Finance and House Appropriations				
17	Committees on the effectiveness of these various programs in addressing rural economic				
18	development problems.				
19	G.The department shall leverage any appropriation provided for the capital costs for safe				
20	drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount				
21	Rogers planning districts with other state moneys, federal grants or loans, local contributions,				
22	and private or nonprofit resources.				
23	J. Out of the amounts for Community Development Services shall be provided \$71,250 the first				
24	year and \$71,250 the second year from the general fund to support The Crooked Road:				
25	Virginia's Heritage Music Trail.				
26	K.1. Out of the amounts in this Item shall be provided \$1,926,833 in the first year and				
27	\$1,926,833 \$4,526,474 in the second year from the general fund for the Commonwealth's share				
28	of the estimated operating expenses of the Fort Monroe Authority (FMA). This appropriation				
29	represents the Commonwealth's share of the authority's estimated operating expenses. These				
30	expenses may not be reimbursed by the federal government and shall be reduced by any federal				
31	funding the authority may receive for expenditures funded through the Commonwealth's				
32	contribution that ultimately qualify for federal reimbursement. Any such reimbursements shall				
33	be repaid to the general fund. Amounts for this purpose shall be paid from the general fund in				
34	no more than four quarterly installments.				
35	2. All moneys of the FMA, from whatever source derived, shall be paid to the treasurer of the				
36	FMA. The Auditor of Public Accounts or his legally authorized representatives, shall annually				
37	examine the accounts of the books of the FMA.				
38	3. Employees of the FMA shall be eligible for membership in the Virginia Retirement System				
39	and participation in all of the health and related insurance and other benefits, including				
40	premium conversion and flexible benefits, available to state employees as provided by law.				
41	4. For the purposes of § 2.2-2708, the board of trustees of the Fort Monroe Authority created				
42	pursuant to § 15.2-7301 shall be deemed a state public body and may meet by electronic				
43	communication means in accordance with the requirements set forth in § 2.2-3708. Electronic				
44	communication shall mean the same as that term is defined in § 2.2-3701.				
45	L. Included in this appropriation is \$7,000,000 the first year and \$7,000,000 the second year				
46	from the Water Quality Improvement Fund for grants to communities located outside the				
47	Chesapeake Bay watershed for: 1) the construction of mandated water quality improvement				
48	facilities at publicly owned treatment works for projects that would otherwise result in a				
49	financial hardship for the residential users of the facilities; 2) the design and construction of				
50	managed on-site community wastewater treatment systems in isolated areas that cannot be				
51	addressed through active treatment facilities; and 3) planning grants to develop regional or				
52	county wide wastewater treatment strategies in areas that have not previously completed				
53	planning and engineering studies. Priority will be given to the elimination of straight piping of				

ITEM 100.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	household wastewater into the Commonwealth's waterways. The department shall leverage the				
2	appropriation with other state moneys, federal grants or loans, local contributions, and private				
3	or nonprofit resources.				
4	M. Out of the amounts in this Item, \$3,000,000 the second year from the general fund shall be				
5	deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support				
6	industrial site revitalization.				
7	N. Out of the amounts in this Item, \$500,000 the second year from the general fund shall be				
8	provided for the Virginia Main Street Program. This amount shall be in addition to other				
9	appropriations for this activity.				
10	101. Not set out.				
11	102. Not set out.				
12	103. Not set out.				
13	104. Not set out.				
14	Total for Department of Housing and Community				
15	Development.....			\$120,456,569	\$128,740,993
16					\$131,340,634
17	General Fund Positions.....	55.90	55.90		
18	Nongeneral Fund Positions.....	51.10	51.10		
19	Position Level	107.00	107.00		
20	Fund Sources: General	\$38,611,729	\$46,896,153		
21			\$49,495,794		
22	Special.....	\$3,051,890	\$3,051,890		
23	Dedicated Special Revenue	\$7,400,000	\$7,400,000		
24	Federal Trust.....	\$71,392,950	\$71,392,950		
25	105. Not set out.				
26	106. Not set out.				
27	107. Not set out.				
28	108. Not set out.				
29	109. Not set out.				
30	§ 1-7. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)				
31	110. Not set out.				
32	111. Resource Management Research, Planning, and				
33	Coordination (50700).....			\$3,357,906	\$2,486,973
34					\$2,452,011
35	Energy Conservation and Alternative Energy Supply				
36	Programs (50705).....	\$3,357,906	\$2,486,973		
37			\$2,452,011		
38	Fund Sources: General	\$1,500,605	\$579,949		
39			\$544,987		
40	Special.....	\$80,255	\$95,978		
41	Federal Trust.....	\$1,777,046	\$1,811,046		
42	Authority: Title 45.1, Chapter 26, Code of Virginia.				
43	A. Out of this appropriation, \$38,362 the first year and \$38,362 the second year from the				
44	general fund shall be provided for dues and expenses for the Southern States Energy Board.				

ITEM 111.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	B. Out of this appropriation, \$924,934 the first year from the general fund shall be provided				
2	for transfer to the following nonstate entities: Jefferson Science Associates, LLC, Virginia				
3	International Terminals, Middle Peninsula Planning District Commission, the Virginia				
4	Commonwealth University Real Estate Foundation, and the District 19 Community Services				
5	Board. These funds reimburse a portion of the Virginia Dominion Power rebate that was				
6	included in the state rebate directed to the general fund.				
7	C. Out of this appropriation, \$74,000 \$39,038 the second year from the general fund shall be				
8	provided for deposit to the Solar Photovoltaic Manufacturing Incentive Grant Fund, established				
9	under § 45.1-392, Code of Virginia. These funds are to be used to provide a grant in				
10	accordance with the calendar year 2010 production of a solar-panel facility located in the City				
11	of Danville. The amount of the grant is based on the watts of rated capacity of solar panels				
12	sold by the producer in the calendar year.				
13	D. Up to \$500,000 the second year from the amounts provided for the Governor's Development				
14	Opportunity Fund in Item 96 of this Act may be used by the Virginia Offshore Wind				
15	Development Authority to assist in efforts to secure the location of the proposed National				
16	Offshore Wind Technology Center in Virginia.				
17	E. To defray the costs of implementing the Virginia Energy Management Program, the				
18	Department of Mines, Minerals and Energy is authorized to have included in state fuel oil,				
19	natural gas and similar energy contracts a provision for suppliers to collect from using agencies				
20	and remit to the department an administrative surcharge. The surcharge shall reflect the				
21	department's actual costs to administer the program. Additionally, the department is authorized,				
22	consistent with federal funding rules, to distribute energy-related federal funds as grants or as				
23	loans to other state or nonstate agencies for use in financing energy-related projects, and to				
24	recover from the recipient an administrative service charge to recover the department's costs of				
25	administering such grant or loan programs.				
26	112. Not set out.				
27	112.10. Not set out.				
28	Total for Department of Mines, Minerals and Energy.....			\$33,662,434	\$32,680,284
29					\$32,645,322
30	General Fund Positions.....	155.62	155.62		
31	Nongeneral Fund Positions.....	77.38	77.38		
32	Position Level	233.00	233.00		
33	Fund Sources: General.....	\$11,798,151	\$10,766,278		
34			\$10,731,316		
35	Special.....	\$6,689,648	\$6,705,371		
36	Trust and Agency	\$525,000	\$525,000		
37	Dedicated Special Revenue.....	\$464,700	\$464,700		
38	Federal Trust.....	\$14,184,935	\$14,218,935		
39	113. Not set out.				
40	114. Not set out.				
41	115. Not set out.				
42	116. Not set out.				
43	117. Not set out.				

ITEM 118.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	§ 1-8. VIRGINIA RACING COMMISSION (405)				
2	118.	Not set out.			
3	119.	Regulation of Horse Racing and Pari-Mutuel Betting			
4		(55800)			
5				\$1,910,644	\$1,910,644
6		License and Regulate Horse Racing and Pari-Mutuel			
7		Wagering (55801)			
8		\$1,910,644	\$1,910,644		
9		Fund Sources: Special.....			
10		\$1,910,644	\$1,910,644		
11		Authority: Title 59.1, Chapter 29, Code of Virginia.			
12		A. Out of this appropriation, the members of the Virginia Racing Commission shall receive			
13		compensation and reimbursement for their reasonable expenses in the performance of their			
14		duties, as provided in § 2.2-2104, Code of Virginia.			
15		B. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to \$255,000 the first			
16		year and \$255,000 the second year shall be transferred to Virginia Polytechnic Institute and			
17		State University to support the Virginia-Maryland Regional College of Veterinary Medicine.			
18		C. Any revenues received during the biennium and which are due to the commission pursuant			
19		to § 59.1-364 et seq., Code of Virginia, shall be used first to fund the operating expenses of the			
20		commission as appropriated in this Item. Any change in operating expenses as herein			
21		appropriated requires the approval of the Department of Planning and Budget. Any revenues in			
22		excess of amounts required for commission operations as appropriated under the provisions of			
23		this act and amounts payable to specific entities pursuant to § 59.1-392 and appropriated in			
24		paragraphs B and D of this Item, shall revert to the general fund.			
25		D. Out of these amounts, the obligations set out in § 59.1-392 D. 5. and D. 6., Code of			
26		Virginia, shall be fully funded.			
27		E. In the event revenues exceed the appropriated amounts in this Item, the Virginia Racing			
28		Commission is authorized to seek an administrative appropriation, up to \$700,000, from the			
29		Director, Department of Planning and Budget, to develop programs or award grants for the			
30		promotion and marketing, sustenance and growth of the Virginia horse industry, including			
31		horse breeding. In no event, however, shall any funds be expended for that purpose that			
32		would cause the reversion to the general fund required by Paragraph C above to fall below			
33		\$571,856 the first year and \$734,356 \$506,356 the second year.			
34		Total for Virginia Racing Commission.....			
35				\$3,310,644	\$3,310,644
36		Nongeneral Fund Positions.....			
37		10.00	10.00		
38		Position Level			
39		10.00	10.00		
40		Fund Sources: Special.....			
41		\$3,310,644	\$3,310,644		
42		§ 1-9. VIRGINIA TOURISM AUTHORITY (320)			
43	120.	Tourist Promotion (53600)			
44				\$18,058,765	\$19,658,135
45		Financial Assistance for Tourist Promotion (53606)			
46		\$145,000	\$145,000		\$19,908,135
47		Tourist Promotion Services (53607)			
48		\$17,913,765	\$19,513,135		
49			\$19,763,135		
50		Fund Sources: General			
51		\$18,058,765	\$19,658,135		
52			\$19,908,135		
53		Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.			
54		A.1. The Department of Transportation shall pay to the Virginia Tourism Authority \$1,100,000			
55		each year for continued operation of the Welcome Centers. The Department of Transportation			
56		shall fund maintenance at each facility based on the agreed-upon service levels contained in the			
57		Memorandum of Agreement between the Virginia Tourism Authority and the Department of			

ITEM 120.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Transportation. Included in the amounts in this paragraph is \$100,000 each year for				
2	maintenance of the Danville Welcome Center.				
3	2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia				
4	Tourism Authority is authorized to collect fees paid by businesses for display space at the				
5	Welcome Centers.				
6	B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds				
7	appropriated to it by this act to a nonstock corporation.				
8	C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the				
9	Chairmen of the House Appropriations and Senate Finance Committees and the Director,				
10	Department of Planning and Budget a report of its operating plan. Prior to September 1 of each				
11	fiscal year, the Authority shall provide to the Chairmen of the House Appropriations and				
12	Senate Finance Committees and the Director, Department of Planning and Budget a detailed				
13	expenditure report and a listing of the salaries and bonuses for all Authority employees for the				
14	prior fiscal year. All three reports shall be prepared in the formats as previously approved by				
15	the Department of Planning and Budget.				
16	D. The State Comptroller shall disburse the first and second year appropriations in twelve equal				
17	monthly installments. The Director, Department of Planning and Budget may authorize an				
18	increase in disbursements for any month, not to exceed the total appropriation for the fiscal				
19	year, if such an advance is necessary to meet payment obligations.				
20	E. Out of the amounts for Tourist Promotion shall be provided \$1,700,000 the first year and				
21	\$1,700,000 the second year from the general fund to promote the Virginia tourism industries.				
22	These funds shall be used, among other purposes, to initiate strategies to expand growth				
23	tourism industries such as Virginia history tours, wine and epicurean tours and other packaged				
24	travel itineraries.				
25	F. Out of the amounts for Tourist Promotion shall be provided \$425,000 the first year and				
26	\$2,425,000 \$2,675,000 the second year from the general fund for grants to regional and local				
27	tourism authorities and other tourism entities to support their efforts. Of the amounts included				
28	in this paragraph, up to \$1,000,000 \$1,250,000 in the second year from the general fund may be				
29	used to attract and promote an international tourism event to be held in the Commonwealth.				
30	G. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the				
31	state.				
32	I. Out of the amounts provided for Tourist Promotion, \$192,375 the first year and \$192,375 the				
33	second year from the general fund shall be provided to "See Virginia First," a public-private				
34	partnership operated by the Virginia Association of Broadcasters to advertise Virginia tourism.				
35	The Virginia Association of Broadcasters shall provide a total of at least \$577,125 in television				
36	and radio advertising value to promote tourism in Virginia in each fiscal year.				
37	J. Out of the amounts for Tourist Promotion shall be provided \$45,000 the first year and				
38	\$45,000 the second year from the general fund for the Coalfield Regional Tourism Authority.				
39	K. Out of the amounts for Tourist Promotion shall be provided \$100,000 the first year and				
40	\$100,000 the second year from the general fund for the Daniel Boone Visitor Center.				
41	L. Out of the amounts for Tourist Promotion shall be provided \$929,346 the first year and				
42	\$779,346 the second year from the general fund to expand targeted tourism promotion as				
43	follows:				
44	1. \$229,346 the first year and \$129,346 the second year to expand radio and television				
45	advertising to promote tourism in the Commonwealth, of which \$91,738 shall be matched by				
46	the Virginia Association of Broadcasters for an in-state radio and television campaign, and				
47	\$137,608 of which shall be used to purchase media in the Washington, D.C. and Baltimore,				
48	Maryland markets the first year; and \$51,738 shall be matched by the Virginia Association of				
49	Broadcasters for an in-state radio and television campaign, and \$77,608 of which shall be used				
50	to purchase media in the Washington, D.C. and Baltimore, Maryland markets the second year;				
51	2. \$500,000 to expand electronic marketing of Virginia tourism and conduct major media				

ITEM 120.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	events with travel industry partners and maintain Welcome Center operations.				
2	M. Out of the amounts provided for Tourist Promotion Services, \$200,000 the first year from				
3	the general fund shall be provided to the Virginia Association of Public Television and Radio				
4	to promote Virginia Tourism. These funds shall be used by the Association to leverage				
5	additional in-kind media providing promotion value of at least \$600,000 the first year.				
6	N. The appropriation for this item includes \$3,600,000 the first year and \$3,584,870 the second				
7	year from the general fund to expand tourism marketing activities at the Virginia Tourism				
8	Authority, which shall be distributed as specified in the following paragraphs. These amounts				
9	shall be in addition to other appropriations for these activities as set out in paragraphs A				
10	through L of this Item.				
11	1. \$3,100,000 in the first year and \$3,100,000 in the second year from the general fund shall				
12	be used to promote Virginia's tourism industries through an enhanced advertising campaign. Of				
13	these amounts, at least \$1,000,000 in the first year and \$1,000,000 in the second year shall be				
14	used to establish and implement a cooperative advertising program to partner with private				
15	sector tourism businesses and regional tourism entities to advertise Virginia as a tourism				
16	destination. The state dollars shall be used to incentivize private and regional tourism				
17	marketing funds on a \$1.00 for \$1.00 basis whereby the Virginia Tourism Corporation shall				
18	enter into agreements to undertake joint advertising purchases to promote Virginia and specific				
19	facilities with private sector and regional partners.				
20	2. \$300,000 the first year and \$284,870 the second year from the general fund shall be				
21	provided to supplement appropriations for "See Virginia First," a public-private partnership				
22	operated by the Virginia Association of Broadcasters to advertise Virginia tourism. The				
23	Virginia Association of Broadcasters shall provide a total of at least \$900,000 in television and				
24	radio advertising value to promote tourism in Virginia the first year and \$854,610 the second				
25	year.				
26	3. \$100,000 the first year and \$100,000 the second year from the general fund shall be				
27	provided for "See Virginia Parks," a public-private partnership to advertise Virginia Parks. The				
28	Virginia Association of Broadcasters shall provide a total of at least \$300,000 in television and				
29	radio advertising value to promote Virginia's parks in each fiscal year.				
30	4. \$100,000 the first year and \$100,000 the second year from the general fund shall be				
31	provided to promote Virginia's wineries through a "See Virginia's Wineries" program, a				
32	public-private partnership managed by the Virginia Tourism Corporation to market Virginia's				
33	wineries. The Virginia Association of Broadcasters shall provide a total of at least \$300,000 in				
34	television and radio advertising value to promote Virginia's wineries in each fiscal year.				
35	O. Out of the amounts provided for Tourist Promotion, \$85,500 the first year and \$70,965 the				
36	second year from the general fund shall be provided to the cooperative advertising program				
37	operated by the Outdoor Advertising Association of Virginia. The Outdoor Advertising				
38	Association of Virginia shall provide a total of at least \$256,500 in advertising value the first				
39	year and \$212,895 the second year to promote tourism in Virginia.				
40	Total for Virginia Tourism Authority			\$18,058,765	\$19,658,135
41					\$19,908,135
42	Fund Sources: General	\$18,058,765	\$19,658,135		
43			\$19,908,135		
44	TOTAL FOR OFFICE OF COMMERCE AND				
45	TRADE.....			\$1,332,481,701	\$1,136,873,250
46					\$1,132,007,929
47	General Fund Positions.....	372.83	372.83		
48	Nongeneral Fund Positions.....	1,284.17	1,284.17		
49	Position Level	1,657.00	1,657.00		
50	Fund Sources: General	\$159,712,767	\$173,438,781		
51			\$168,573,460		
52	Special.....	\$21,918,527	\$24,914,872		

ITEM 120.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Trust and Agency	\$1,029,841,375	\$817,041,375		
2	Dedicated Special Revenue	\$30,195,246	\$30,630,436		
3	Federal Trust.....	\$90,813,786	\$90,847,786		

ITEM 121.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF EDUCATION			
2 121.	Not set out.			
3 122.	Not set out.			
4 123.	Not set out.			
5	§ 1-10. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)			
6 124.	Not set out.			
7 125.	Not set out.			
8 126.	Not set out.			
9 127.	Not set out.			
10 128.	Not set out.			
11 129.	Not set out.			
12 130.	Not set out.			
13	Direct Aid to Public Education (197)			
14 131.	Financial Assistance for Educational, Cultural,			
15	Community, and Artistic Affairs (14300).....		\$7,339,961	\$7,563,611
16				\$7,421,611
17	Financial Assistance for Supplemental Education			
18	(14304)		\$7,339,961	\$7,563,611
19				\$7,421,611
20	Fund Sources: General		\$7,339,961	\$7,563,611
21				\$7,421,611
22	Authority: Discretionary Inclusion.			
23	A. Out of this appropriation, the Department of Education shall provide \$373,776 the first year			
24	and \$373,776 the second year from the general fund for the Jobs for Virginia Graduates			
25	initiative.			
26	B.1. Out of this appropriation, the Department of Education shall provide \$688,500 the first			
27	year and \$619,650 the second year from the general fund for Project Discovery. These funds			
28	are to fund approximately one-half of the cost of the program in Abingdon,			
29	Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland,			
30	Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick,			
31	Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City,			
32	Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal			
33	officer for Project Discovery.			
34	2. The Department of Education shall determine the Project Discovery funding distributions to			
35	each community action agency. The contract with Project Discovery, Inc. should specify the			
36	allocations to each local Project Discovery program. Allocations shall be on a per pupil basis			
37	for students enrolled in the program.			
38	C. Out of this appropriation, the Department of Education shall provide \$124,011 the first year			
39	and \$124,011 the second year from the general fund for the Southwest Virginia Public			
40	Education Consortium at the University of Virginia's College at Wise. An additional \$71,849			
41	the first year and \$71,849 the second year from the general fund is provided to the Consortium			
42	to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and			
43	expand the program to the twelve school divisions in Southwest Virginia.			

ITEM 131.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	D. This appropriation includes \$58,905 the first year and \$58,905 the second year from the			
2	general fund for the Southside Virginia Regional Technology Consortium to expand the			
3	research and development phase of a technology linkage.			
4	E. An additional state payment of \$145,896 the first year and \$145,896 the second year from			
5	the general fund is provided as a Small School Division Assistance grant for the City of			
6	Norton. To receive these funds, the local school board shall certify to the Superintendent of			
7	Public Instruction that its division has entered into one or more educational, administrative or			
8	support service cost-sharing arrangements with another local school division.			
9	F. Out of this appropriation, \$248,021 the first year and \$248,021 the second year from the			
10	general fund shall be allocated for the Career and Technical Education Resource Center to			
11	provide vocational curriculum and resource instructional materials free of charge to all school			
12	divisions.			
13	G. It is the intent of the General Assembly that the Department of Education provide bonuses			
14	from state funds to classroom teachers in Virginia's public schools who hold certification from			
15	the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first			
16	year of the certificate and \$2,500 annually thereafter for the life of the certificate. This			
17	appropriation includes an amount estimated at \$4,677,500 the first year and			
18	\$4,970,000 \$4,828,000 the second year from the general fund for the purpose of paying these			
19	bonuses. By September 30 of each year, school divisions shall notify the Department of			
20	Education of the number of classroom teachers under contract for that school year that hold			
21	such certification.			
22	H.1. This appropriation includes \$708,000 the first year and \$708,000 the second year from the			
23	general fund for the Virginia Teaching Scholarship Loan Program. These scholarships shall be			
24	for undergraduate students at or beyond the sophomore year in college with a cumulative grade			
25	point average of at least 2.7 who are nominated by their college and students at the graduate			
26	level and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia.			
27	Awards shall be made to students who are enrolled full-time or part-time in approved			
28	undergraduate or graduate teacher education programs for (i) critical teacher shortage			
29	disciplines, such as special education, chemistry, physics, earth and space science, foreign			
30	languages, or technology education or (ii) as students meeting the qualifications in			
31	§ 22.1-290.01, Code of Virginia, who have been identified by a local school board to teach in			
32	any discipline or at any grade level in which the school board has determined that a shortage			
33	of teachers exists; however, such persons shall meet the qualifications for awards granted			
34	pursuant to this item; or (iii) those students seeking degrees in Career and Technical education.			
35	Minority students may be enrolled in any content area for teacher preparation and male			
36	students may be enrolled in any approved elementary or middle school teacher preparation			
37	program; therefore, this provision shall satisfy the requirements for the Diversity in Teaching			
38	Initiative and Fund, pursuant to Chapters 570, 597, 623, 645, and 719 of the Acts of Assembly			
39	of 2000. Scholarship recipients may fulfill the teaching obligation by accepting a teaching			
40	position (i) in one of the critical teacher shortage disciplines; or (ii) regardless of teaching			
41	discipline, in a school with a high concentration of students eligible for free or reduced price			
42	lunch; or (iii) in any discipline or at grade levels with a shortage of teachers; or (iv) in a rural			
43	or urban region of the state with a teacher shortage. For the purposes of this item, "critical			
44	teacher shortage area and discipline" means subject areas and grade levels identified by the			
45	Board of Education in which the demand for classroom teachers exceeds the supply of teachers,			
46	as defined in the Board of Education's Regulations Governing the Determination of Critical			
47	Teacher Shortage Areas. Scholarship amounts are based on \$3,720 per year for full-time			
48	students, and shall be prorated for part-time students based on the number of credit hours. The			
49	Board of Education is authorized to recover total funds awarded as scholarships or the			
50	appropriate proportion thereof in the event that scholarship recipients fail to honor the			
51	stipulated teaching obligation. The Department of Education shall report annually on the			
52	critical shortage teaching areas in Virginia.			
53	2. The Department of Education shall make payments on behalf of the scholarship recipients			
54	directly to the Virginia institution of higher education where the scholarship recipient is			
55	enrolled full-time or part-time in an approved undergraduate or graduate teacher education			
56	program.			
57	3. The Board of Education is authorized to recover total funds awarded as scholarships, or the			
58	appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated			

ITEM 131.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	teaching obligation. Any funds collected by the Board on behalf of this program shall revert to				
2	the general fund on June 30 each year. Such reversion shall be the net of any administrative or				
3	legal fees associated with the collection of these funds.				
4	I. Out of the amounts for this Item, shall be provided \$31,003 the first year and \$31,003 the				
5	second year from the general fund for the Virginia Career Education Foundation.				
6	J. Out of this appropriation, \$212,500 the first year and \$212,500 the second year from the				
7	general fund shall be distributed to the Greater Richmond Area Scholarship Program,				
8	Incorporated (GRASP) to provide students and families in need access to financial aid,				
9	scholarships, and counseling to maximize educational opportunities for students.				
10	132. State Education Assistance Programs (17800)			\$5,283,978,697	\$5,513,401,257
11					\$5,493,100,904
12	Standards of Quality for Public Education (SOQ)				
13	(17801)	\$4,694,672,603	\$4,902,077,135		
14	Standards of Quality for Public Education (Soq)				
15	(17801)		\$4,898,385,463		
16	Financial Incentive Programs for Public Education				
17	(17802)	\$103,501,924	\$121,365,168		
18			\$88,352,590		
19	Financial Assistance for Categorical Programs (17803)...	\$50,604,170	\$54,083,954		
20			\$51,962,851		
21	Distribution of Lottery Funds (17805).....	\$435,200,000	\$435,875,000		
22			\$454,400,000		
23	Fund Sources: General	\$4,706,006,597	\$4,944,242,729		
24			\$4,905,417,376		
25	Special.....	\$795,000	\$795,000		
26	Commonwealth Transportation	\$2,173,000	\$2,173,000		
27	Trust and Agency	\$575,004,100	\$566,190,528		
28			\$584,715,528		
29	Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2,				
30	Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198,				
31	22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1				
32	through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14,				
33	Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as				
34	amended; P.L. 98-524, as amended, Federal Code.				
35	Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through				
36	22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as				
37	amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.				
38	Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677				
39	between Virginia and the Indians; §§ 22.1-3.4, 22.1-101, 22.1-108, 22.1-199 through				
40	22.1-212.2:3, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of				
41	Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L.				
42	94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L.				
43	98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L.				
44	105-220, as amended, Federal Code.				
45	Distribution of Lottery Funds (17805): §§ 58.1-4022.1 and 58.1-4022, Code of Virginia				
46	Appropriation Detail of Education				
47	Assistance Programs (17800)				
48					
49	Standards of Quality (17801)	FY 2011	FY 2012		
50	Basic Aid (excluding State Fiscal				
51	Stabilization Funds)	\$2,746,726,975	\$2,868,000,323		
52			\$2,860,903,585		
53	Sales Tax	\$1,123,100,000	\$1,162,300,000		
54			\$1,167,000,000		
55	Textbooks (split funded)	\$10,610,395	\$547,995		

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1				\$0	
2	Vocational Education	\$65,975,053		\$65,987,613	
3				\$65,924,406	
4	Gifted Education	\$30,944,324		\$31,060,898	
5				\$31,020,899	
6	Special Education	\$361,744,703		\$362,561,667	
7				\$362,337,366	
8	Prevention, Intervention, and				
9	Remediation	\$69,458,001		\$69,431,627	
10				\$69,402,834	
11	VRS Retirement	\$104,031,534		\$159,588,656	
12				\$159,406,576	
13	Social Security	\$175,616,146		\$176,117,112	
14				\$175,916,399	
15	Group Life	\$6,458,766		\$6,478,763	
16				\$6,470,917	
17	Subtotal SOQ (In this Item)	\$4,694,665,897		\$4,902,074,654	
18				\$4,898,382,982	
19	SOQ Funded from State Fiscal				
20	Stabilization Funds, Item 133	\$122,941,314		\$0	
21					
22	Total	\$4,817,607,211		\$4,902,074,654	
23				\$4,898,382,982	
24	Incentive Programs (17802)				
25	Governor's School	\$13,753,589		\$14,711,914	
26				\$13,743,372	
27	Clinical Faculty	\$318,750		\$318,750	
28	Career Switcher Mentoring Grants	\$279,983		\$279,983	
29	Special Education Endorsement Program	\$600,000		\$600,000	
30	Special Education - Vocational				
31	Education	\$200,089		\$200,089	
32	Composite Index Hold Harmless (split				
33	funded)	\$88,349,513		\$14,560,612	
34				\$0	
35	Performance Pay Initiative	\$0		\$3,000,000	
36	Supplemental Support for School				
37	Operating Costs	\$0		\$87,693,820	
38				\$70,210,396	
39	Total	\$103,501,924		\$121,365,168	
40				\$88,352,590	
41					
42	Categorical Programs (17803)				
43	Adult Education	\$1,051,800		\$1,051,800	
44	Adult Literacy	\$2,645,375		\$2,645,375	
45	Virtual Virginia	\$2,356,908		\$2,356,908	
46	American Indian Treaty Commitment	\$62,012		\$66,136	
47				\$55,972	
48	School Lunch	\$5,801,932		\$5,801,932	
49	Special Education - Homebound	\$5,028,591		\$5,311,790	
50				\$5,123,302	
51	Special Education - Jails	\$3,698,491		\$4,065,031	
52				\$3,409,107	
53	Special Education - State Operated				
54	Programs	\$29,959,061		\$32,784,982	
55				\$31,518,455	
56	Total	\$50,604,170		\$54,083,954	
57				\$51,962,851	
58					
59	Lottery (17805)				
60	Foster Care	\$10,379,960		\$11,280,189	
61				\$9,549,523	
62	At-Risk	\$63,963,698		\$63,942,399	
63				\$63,940,825	
64	Virginia Preschool Initiative	\$60,482,416		\$65,104,439	

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1				\$62,780,182	
2	Early Reading Intervention	\$13,375,413		\$13,409,574	
3				\$13,618,329	
4	Mentor Teacher	\$1,000,000		\$1,000,000	
5	K-3 Primary Class Size Reduction	\$72,710,288		\$74,777,373	
6				\$74,411,182	
7	School Breakfast Program	\$2,497,421		\$2,935,937	
8				\$2,891,423	
9	SOL Algebra Readiness	\$9,074,317		\$9,062,788	
10				\$9,185,714	
11	Regional Alternative Education	\$6,715,412		\$6,953,940	
12				\$6,941,282	
13	ISAEP	\$2,247,581		\$2,247,581	
14	Special Education - Regional Tuition	\$70,989,340		\$76,011,161	
15				\$68,193,503	
16	Career and Technical Education -				
17	Categorical	\$10,400,829		\$10,400,829	
18	No Child Left Behind/ Education for a				
19	Lifetime	\$4,749,675		\$4,749,675	
20				\$4,437,895	
21	Project Graduation	\$2,774,478		\$2,774,478	
22	Supplemental Basic Aid	\$906,692		\$869,195	
23				\$855,839	
24	Remedial Summer School	\$20,823,833		\$21,496,705	
25				\$20,979,581	
26	English as a Second Language	\$37,514,278		\$39,960,785	
27				\$38,740,581	
28	Textbooks (split funded)	\$24,821,859		\$26,892,683	
29				\$27,410,675	
30	Composite Index Hold Harmless (split				
31	funded)	\$19,772,510		\$2,000,000	
32				\$16,560,612	
33	<i>Support for School Construction and</i>				
34	<i>Operating Costs</i>			\$17,479,966	
35	Total	\$435,200,000		\$435,875,000	
36				\$454,400,000	
37	Technology - VPSA	\$56,986,000		\$57,168,000	
38				\$58,078,000	

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,209,762.40 the first year and ~~1,216,938.05~~ 1,215,736.10 the second year.

c. March 31 ADM adjusted for half-day kindergarten at 85 percent of March 31 ADM, is estimated at 1,209,176.58 the first year and ~~1,216,321.64~~ 1,215,030.04 the second year.

d. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	in any mathematics, science, English, history, social science, vocational education, health				
2	education or physical education, fine arts or foreign language course shall be counted in the				
3	funded fall membership and March 31 ADM of the relevant school division. Each course shall				
4	be counted as 0.25, up to a cap of 0.5 of a student.				
5	e. Students enrolled in an Individualized Student Alternative Education Program (ISAEF)				
6	pursuant to § 22.1-254 D shall be counted in the March 31 Average Daily Membership of the				
7	relevant school division. School divisions shall report these students separately in their March				
8	31 reports of Average Daily Membership.				
9	2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as				
10	prescribed by the Board of Education subject to revision by the General Assembly.				
11	3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of				
12	instructional personnel required by the Standards of Quality for each school division with a				
13	minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number				
14	thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and				
15	including provision for driver, gifted, occupational-vocational, and special education, library				
16	materials and other teaching materials, teacher sick leave, general administration, division				
17	superintendents' salaries, free textbooks (including those for free and reduced price lunch				
18	pupils), school nurses, operation and maintenance of school plant, transportation of pupils,				
19	instructional television, professional and staff improvement, remedial work, fixed charges and				
20	other costs in programs not funded by other state and/or federal aid.				
21	b. The state and local shares of funding resulting from the support cost calculation for school				
22	nurses shall be specifically identified as such and reported to school divisions annually. School				
23	divisions shall spend these funds for licensed school nurse positions employed by the school				
24	division or for licensed nurses contracted by the local school division to provide school health				
25	services.				
26	4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality.				
27	The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March				
28	31 ADM reported for the first seven (7) months of the 2007-2008 school year and 1/3 of the				
29	index of wealth per capita (population estimates for 2007 as determined by the Weldon Cooper				
30	Center for Public Service of the University of Virginia) multiplied by the local nominal share				
31	of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are				
32	determined by combining the following constituent index elements with the indicated				
33	weighting: (1) true values of real estate and public service corporations as reported by the State				
34	Department of Taxation for the calendar year 2007 - 50 percent; (2) adjusted gross income for				
35	the calendar year 2007 as reported by the State Department of Taxation - 40 percent; (3) the				
36	sales for the calendar year 2007 which are subject to the state general sales and use tax, as				
37	reported by the State Department of Taxation - 10 percent. Each constituent index element for				
38	a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state				
39	average per March 31 ADM, or per capita, for the same element. A locality whose composite				
40	index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of				
41	distributing all payments based on the composite index of local ability-to-pay. Each constituent				
42	index element for a locality used to determine the composite index of local ability-to-pay for				
43	the current biennium shall be the latest available data for the specified official base year				
44	provided to the Department of Education by the responsible source agencies no later than				
45	November 15, 2009.				
46	b. For any locality whose total calendar year 2007 Virginia Adjusted Gross Income is				
47	comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income				
48	shall be excluded in computing the composite index of ability-to-pay. The Department of				
49	Education shall compute the composite index for such localities by using adjusted gross income				
50	data which exclude nonresident income, but shall not adjust the composite index of any other				
51	localities. The Department of Taxation shall furnish to the Department of Education such data				
52	as are necessary to implement this provision.				
53	c.1) In the event that two or more school divisions become one school division, whether by				
54	consolidation of only the school divisions or by consolidation of the local governments, such				
55	resulting division shall be paid Standard of Quality payments for all pupils in the combined				
56	division on the basis of a composite index established by the Board of Education, which shall				
57	equal the lowest composite index of any of the individual school divisions involved in such				

ITEM 132.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	consolidation. In the event of a consolidation of local governments which shall include the			
2	transition of a city to town status, this index shall remain in effect for a period of fifteen years,			
3	unless a lower composite index is calculated for the combined division through the process for			
4	computing an index figure as set forth above. The Governor shall approve the composite index			
5	determined by the Board of Education prior to disbursement of funds under such index. The			
6	department shall report to the Chairmen of the House Appropriations and Senate Finance			
7	Committees the composite indices approved by the Governor and the Board in the event this			
8	provision is implemented.			
9	2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the			
10	fifteen year period for the application of a new composite index pursuant to paragraph c.1)			
11	above shall apply beginning with the fiscal year that starts on July 1, 2004.			
12	3) Pursuant to paragraph c.1) above, if the composite index of a consolidated school division is			
13	reduced during the course of the fifteen year period to a level that would entitle the school			
14	division to a lower interest rate for a Literary Fund loan than it received when the loan was			
15	originally released, the Board of Education shall reduce the interest rate of such loan for the			
16	remainder of the period of the loan. Such reduction shall be based on the interest rate that			
17	would apply at the time of such adjustment. This rate shall remain in effect for the duration of			
18	the loan and shall apply only to those years remaining to be paid.			
19	d. When it is determined that a substantial error exists in a constituent index element, the			
20	Department of Education will make adjustments in funding for the current school year only in			
21	the division where the error occurred. The composite index of any other locality shall not be			
22	changed as a result of the adjustment. No adjustment during the biennium will be made as a			
23	result of updating of data used in a constituent index element.			
24	e. In the event that any school division consolidates two or more small schools, the division			
25	shall continue to receive Standards of Quality funding and provide for the required local			
26	expenditure for a period of five years as if the schools had not been consolidated. Small			
27	schools are defined as any elementary, middle, or high school with enrollment below 200, 300			
28	and 400 students, respectively.			
29	5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on			
30	the composite index of local ability-to-pay of the cost required by all the Standards of Quality			
31	minus its estimated revenues from the state sales and use tax dedicated to public education and			
32	those sales tax revenues transferred to the general fund from the Public Education Standards of			
33	Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of			
34	which are returned on the basis of the triennial census of school age population, as specified in			
35	this Item, collected by the Department of Education and distributed to school divisions in the			
36	fiscal year in which the school year begins.			
37	6. "Required Local Match" - The locality's required share of program cost based on the			
38	composite index of local ability-to-pay for all Lottery and Incentive programs, where required,			
39	in which the school division has elected to participate in a fiscal year.			
40	7. "Planning District Eight"—The nine localities which comprise Planning District Eight are			
41	Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City,			
42	Fairfax City, Falls Church City, Manassas City, and Manassas Park City.			
43	8. "State Share for the Standards of Quality" - The state share for a locality shall be equal to			
44	the cost for that locality less the locality's estimated revenues from the state sales and use tax			
45	dedicated to public education and those sales tax revenues transferred to the general fund from			
46	the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund and			
47	appropriated in this Item, both of which are returned on the basis of the triennial census of			
48	school age population, as specified in this Item, collected by the Department of Education and			
49	distributed to school divisions in the fiscal year in which the school year begins and less the			
50	required local expenditure.			
51	9. In the event that the general fund appropriations in Item 131 and Item 132 are not sufficient			
52	to meet the entitlements payable to school divisions pursuant to the provisions of each Item,			
53	the Department of Education is authorized to transfer any available general fund funds between			
54	these Items to address such insufficiencies. If the total appropriations after such transfers			
55	remain insufficient to meet the entitlements of any program, the Department of Education is			

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1	authorized to prorate such shortfall proportionately across all of the school divisions				
2	participating in the program where such shortfall occurred. In addition, the Department of				
3	Education is authorized each year to temporarily suspend textbook payments made to school				
4	divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted				
5	for in the remaining textbook payments to be made for the year.				
6	10. The Department of Education is directed to apply a cap on inflation rates in the same				
7	manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school				
8	divisions during the biennial rebenchmarking process.				
9	11. Notwithstanding any other provision in statute or in this Item, the Department of Education				
10	is directed to combine the end-of-year average daily membership (ADM) for those school				
11	divisions who have partnered together as a fiscal agent division and a contractual division for				
12	the purposes of calculating prevailing costs included in the Standards of Quality (SOQ) basic				
13	aid costs for support services through the rebenchmarking process.				
14	12. Notwithstanding any other provision in statute or in this item, the Department of Education				
15	is directed to include zeros in the linear weighted average calculation of support non-personal				
16	costs for the purposes of rebenchmarking and allocating funding to localities.				
17	13. Notwithstanding any other provision in statute or in this item, the Department of Education				
18	is directed to eliminate the corresponding and appropriate object code(s) related to reported				
19	travel expenditures included the linear weighted average non-personal cost calculations for the				
20	purposes of calculating Standards of Quality (SOQ) basic aid costs for support services through				
21	the rebenchmarking process.				
22	14. Notwithstanding any other provision in statute or in this item, the Department of Education				
23	is directed to eliminate the corresponding and appropriate object code(s) related to reported				
24	leases and rental and facility expenditures included the linear weighted average non-personal				
25	cost calculations for the purposes of calculating Standards of Quality (SOQ) basic aid costs for				
26	support services through the rebenchmarking process.				
27	15. Notwithstanding any other provision in statute or in this item, the Department of Education				
28	is directed to fund transportation costs using a 15 year replacement schedule, which is the				
29	national standard guideline, for school bus replacement schedule for the purposes of				
30	rebenchmarking.				
31	16. To provide temporary flexibility, notwithstanding any other provision in statute or in this				
32	Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten				
33	through grade 7 and English classes for grades 6 through twelve by one additional student; the				
34	teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention,				
35	Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and				
36	Technical funded programs are waived; and the instructional and support technology positions,				
37	librarians and guidance counselors staffing ratios for new hires are waived.				
38	B. General Conditions				
39	1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for				
40	instructional staff members to the employer's cost for a number not exceeding the number of				
41	instructional positions required by the Standards of Quality for each school division and for				
42	their salaries at the statewide prevailing salary levels as printed below.				
43	Instructional Position	First Year Salary	Second Year Salary		
44	Elementary Teachers	\$43,904	\$43,904		
45	Elementary Assistant Principals	\$62,383	\$62,383		
46	Elementary Principals	\$76,766	\$76,766		
47	Secondary Teachers	\$46,090	\$46,090		
48	Secondary Assistant Principals	\$66,658	\$66,658		
49	Secondary Principals	\$84,564	\$84,564		
50	Instructional Aides	\$16,104	\$16,104		
51	a.1) Payment by the state to a local school division shall be based on the state share of fringe				
52	benefit costs of 55 percent of the employer's cost distributed on the basis of the composite				
53	index.				

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1	2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of				
2	0.8000 for purposes of distributing fringe benefit funds under this provision.				
3	3) The state payment to each school division for retirement, social security, and group life				
4	insurance costs for non-instructional personnel is included in and distributed through Basic Aid.				
5	b. Payments to school divisions from this Item shall be calculated using March 31 Average				
6	Daily Membership adjusted for half-day kindergarten programs.				
7	c. Payments for health insurance fringe benefits are included in and distributed through Basic				
8	Aid.				
9	2. Each locality shall offer a school program for all its eligible pupils which is acceptable to				
10	the Department of Education as conforming to the Standards of Quality program requirements.				
11	3. In the event the statewide number of pupils in March 31 ADM exceeds the number				
12	estimated as the basis for this appropriation, the locality's state share of the Basic Operation				
13	Cost and the required local share shall be reduced proportionately so that this appropriation will				
14	not be exceeded.				
15	4. The Department of Education shall make equitable adjustments in the computation of indices				
16	of wealth and in other state-funded accounts for localities affected by annexation, unless a court				
17	of competent jurisdiction makes such adjustments. However, only the indices of wealth and				
18	other state-funded accounts of localities party to the annexation will be adjusted.				
19	5. In the event that the actual revenues from the state sales and use tax dedicated to public				
20	education and those sales tax revenues transferred to the general fund from the Public				
21	Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in				
22	this Item (both of which are returned on the basis of the 2008 triennial census of school age				
23	population in the first year and the 2008 triennial census in the second year) for sales in the				
24	fiscal year in which the school year begins are different from the number estimated as the basis				
25	for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.				
26	6. This appropriation shall be apportioned to the public schools with guidelines established by				
27	the Department of Education consistent with legislative intent as expressed in this act.				
28	7.a. Appropriations of state funds in this Item include the number of positions required by the				
29	Standards of Quality. This Item includes a minimum of 51 professional instructional positions				
30	and aide positions (C 2); Education of the Gifted, 1.0 professional instructional position (C 3);				
31	Occupational-Vocational Education Payments and Special Education Payments; a minimum of				
32	6.0 professional instructional positions and aide positions (C 4 and C 5) for each 1,000 pupils				
33	in March 31 ADM each year in support of the current Standards of Quality. Funding in				
34	support of one hour of additional instruction per day based on the percent of students eligible				
35	for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending				
36	upon a school division's combined failure rate on the English and Math Standards of Learning,				
37	is included in Remedial Education Payments (C8).				
38	b. No actions provided in this section signify any intent of the General Assembly to mandate				
39	an increase in the number of instructional personnel per 1,000 students above the numbers				
40	explicitly stated in the preceding paragraph.				
41	c. Appropriations in this Item include programs supported in part by transfers to the general				
42	fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief				
43	Fund pursuant to Part 3 of this Act. These transfers combined together with other				
44	appropriations from the general fund in this Item funds the state's share of the following				
45	revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly				
46	of 2004: five elementary resource teachers per 1,000 students; one support technology position				
47	per 1,000 students; one instructional technology position per 1,000 students; and a full daily				
48	planning period for teachers at the middle and high school levels in order to relieve the				
49	financial pressure these education programs place on local real estate taxes.				
50	d. To provide flexibility, school divisions may use the state and local funds for instructional				
51	technology resource teachers required by the Standards of Quality to employ a data coordinator				
52	position, an instructional technology resource teacher position, or a data				

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1	coordinator/instructional resource teacher blended position. The data coordinator position is				
2	intended to serve as a resource to principals and classroom teachers in the area of data analysis				
3	and interpretation for instructional and school improvement purposes, as well as for overall data				
4	management and administration of state assessments. School divisions using these SOQ funds				
5	in this manner shall only employ instructional personnel licensed by the Board of Education.				
6	e. To provide flexibility in the provision of reading intervention services, school divisions may				
7	use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds				
8	Fund and the required local matching funds to employ reading specialists to provide the				
9	required reading intervention services. School divisions using the Early Reading Intervention				
10	Initiative funds in this manner shall only employ instructional personnel licensed by the Board				
11	of Education.				
12	f. To provide flexibility in the provision of mathematics intervention services, school divisions				
13	may use the state Standards of Learning Algebra Readiness initiative funding provided from the				
14	Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher				
15	specialists to provide the required mathematics intervention services. School divisions using				
16	the Standards of Learning Algebra Readiness initiative funding in this manner shall only				
17	employ instructional personnel licensed by the Board of Education.				
18	8.a. The Department of Education shall make calculations at the start of the school year to				
19	ensure that school divisions have appropriated adequate funds to support their estimated				
20	required local expenditure. The Department of Education shall also make calculations after the				
21	close of the school year to verify that the required local effort level, based on actual March 31				
22	Average Daily Membership, was met. The Department of Education shall specify the				
23	calculations to determine if a school division has appropriated and expended its required local				
24	expenditure for the Standards of Quality. This calculation may include but is not limited to the				
25	following calculations:				
26	b. The total expenditures for operation, defined as total expenditures less all capital outlays,				
27	expenditures for debt service, facilities, non-regular day school programs (such as adult				
28	education, preschool, and non-local education programs), and any transfers to regional programs				
29	will be calculated.				
30	c. The following state funds will be deducted from the amount calculated in paragraph a.				
31	above: revenues from the state sales and use tax (returned on the basis of the 2008 triennial				
32	census of school age population in the first year and the 2008 triennial census in the second				
33	year, as specified in this Item) for sales in the fiscal year in which the school year begins; total				
34	receipts from state funds (except state funds for non-regular day school programs and state				
35	funds used for capital or debt service purposes); and the state share of any balances carried				
36	forward from the previous fiscal year. Any qualifying state funds that remain unspent at the				
37	end of the fiscal year will be added to the amount calculated in paragraph a. above.				
38	d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also				
39	be deducted from the amount calculated in paragraph a above. Any federal funds that remain				
40	unspent at the end of the fiscal year and any capital expenditures paid from federal funds will				
41	be added to the amount calculated in paragraph a. above.				
42	e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will				
43	also be deducted from the amount calculated in paragraph a, then				
44	f. The final amount calculated as described above must be equal to or greater than the required				
45	local expenditure defined in paragraph A. 5.				
46	g. The Department of Education shall collect the data necessary to perform the calculations of				
47	required local expenditure as required by this section.				
48	h. A locality whose expenditure in fact exceeds the required amount from local funds may not				
49	reduce its expenditures unless it first complies with all of the Standards of Quality.				
50	9.a. Any sum which a locality, as of the end of a school year, has not expended, pursuant to				
51	this Item, for the Standards of Quality shall be paid by the locality into the general fund of the				
52	state treasury. Such payments shall be made not later than the end of the school year following				
53	that in which the under expenditure occurs.				

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1	b. Whenever the Department of Education has recovered funds as defined in the preceding				
2	paragraph a, the Secretary of Education is authorized to repay to the locality affected by that				
3	action, seventy-five percent (75%) of those funds upon his determination that:				
4	1) The local school board agrees to include the funds in its June 30 ending balance for the year				
5	following that in which the under expenditure occurs;				
6	2) The local governing body agrees to reappropriate the funds as a supplemental appropriation				
7	to the approved budget for the second year following that in which the under expenditure				
8	occurs, in an appropriate category as requested by the local school board, for the direct benefit				
9	of the students;				
10	3) The local school board agrees to expend these funds, over and above the funds required to				
11	meet the required local expenditure for the second year following that in which the under				
12	expenditure occurs, for a special project, the details of which must be furnished to the				
13	Department of Education for review and approval;				
14	4) The local school board agrees to submit quarterly reports to the Department of Education on				
15	the use of funds provided through this project award; and				
16	5) The local governing body and the local school board agree that the project award will be				
17	cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of				
18	the second year following that in which the under expenditure occurs.				
19	c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient,				
20	not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding				
21	paragraph a.				
22	10. The Department of Education shall specify the manner for collecting the required				
23	information and the method for determining if a school division has appropriated and expended				
24	the local funds required to support the actual local match based on all Lottery and Incentive				
25	programs in which the school division has elected to participate. Unless specifically stated				
26	otherwise in this Item, school divisions electing to participate in any Lottery or Incentive				
27	program that requires a local funding match in order to receive state funding, shall certify to				
28	the Department of Education its intent to participate in each program by October 1 each fiscal				
29	year in a manner prescribed by the Department of Education. Upon receipt of the				
30	certifications, the Department of Education shall make calculations to ensure that school				
31	divisions have appropriated adequate local funds, above the required local effort for the				
32	Standards of Quality, to support the projected required local match based on the Lottery and				
33	Incentive programs in which the school division has elected to participate. If the Department				
34	of Education's calculations indicate that insufficient local funds are appropriated to meet the				
35	required local funding match for one or more programs, state funding for such program(s) shall				
36	not be made until such time that the school division can certify that sufficient local funding has				
37	been appropriated to meet required local match. The Department of Education shall also make				
38	calculations after the close of the fiscal year to verify that the required local match was met				
39	based on the state funds that were received.				
40	11. Any sum of local matching funds for Lottery and Incentive program which a locality has				
41	not expended as of the end of a fiscal year in support of the required local match pursuant to				
42	this Item shall be paid by the locality into the general fund of the state treasury unless the				
43	carryover of those unspent funds is specifically permitted by other provisions of this act. Such				
44	payments shall be made no later than the end of the school year following that in which the				
45	under expenditure occurred.				
46	12. The Superintendent of Public Instruction shall provide a report annually on the status of				
47	teacher salaries, by local school division, to the Governor and the Chairmen of the Senate				
48	Finance and House Appropriations Committees. In addition to information on average salaries				
49	by school division and statewide comparisons with other states, the report shall also include				
50	information on starting salaries by school division and average teacher salaries by school.				
51	13. All state and local matching funds required by the programs in this Item shall be				
52	appropriated to the budget of the local school board.				
53	14. By November 15 of each year, the Department of Planning and Budget, in cooperation with				

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1	the Department of Education, shall prepare and submit a preliminary forecast of Standards of				
2	Quality expenditures, based upon the most current data available, to the Chairmen of the House				
3	Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the				
4	current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast				
5	for the current and subsequent fiscal year shall be provided. The forecast shall detail the				
6	projected March 31 Average Daily Membership and the resulting impact on the education				
7	budget.				
8	15. School divisions may choose to use state payments provided for Standards of Quality				
9	Prevention, Intervention, and Remediation in both years as a block grant for remediation				
10	purposes, without restrictions or reporting requirements, other than reporting necessary as a				
11	basis for determining funding for the program.				
12	16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall				
13	provide guidelines for the distribution and expenditure of general fund appropriations and such				
14	additional federal, private and other funds as may be made available to aid in the establishment				
15	and maintenance of the public schools.				
16	17. At the Department of Education's option, fees for audio-visual services may be deducted				
17	from state aid payments for individual local school divisions.				
18	18. For distributions not otherwise specified, the Department of Education, at its option, may				
19	use prior year data to calculate actual disbursements to individual localities.				
20	19. Payments for accounts related to the Standards of Quality made to localities for public				
21	education from the general fund, as provided herein, shall be payable in twenty-four				
22	approximately equal bimonthly installments at the middle and end of each month.				
23	20. The Department of Education shall, for purposes of calculating the state and local shares of				
24	the Standards of Quality, apportion state sales and use tax dedicated to public education and				
25	those sales tax revenues transferred to the general fund from the Public Education Standards of				
26	Quality/ Local Real Estate Property Tax Relief Fund based on the 2008 triennial census of				
27	school age population in the first year and the 2008 triennial census in the second year of the				
28	biennium.				
29	The State Comptroller shall distribute the state sales and use tax revenues dedicated to public				
30	education and those sales tax revenues transferred to the general fund from the Public				
31	Education Standards of Quality/ Local Real Estate Property Tax Relief Fund based on the 2008				
32	triennial census of school age population in the first year and the 2008 triennial census in the				
33	second year of the biennium.				
34	21. The school divisions within the Tobacco Region, as defined by the Tobacco				
35	Indemnification and Community Revitalization Commission, shall jointly explore ways to				
36	maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
37	22. This item includes appropriations totaling an estimated \$435,200,000 the first year and				
38	\$435,875,000 \$454,400,000 the second year from the revenues deposited to the Lottery Proceeds				
39	Fund. <i>The appropriations for the second year includes an additional \$9,000,000 from Lottery</i>				
40	<i>proceeds that were earned in FY 2011.</i> These amounts are appropriated for distribution to				
41	counties, cities, and towns to support public education programs pursuant to Article X, section				
42	7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this				
43	Fund shall provide its portion of the cost of maintaining an educational program meeting the				
44	Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use				
45	of distributions from the Fund.				
46	23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds				
47	as state funds.				
48	24.a. Any locality that has met its required local effort for the Standards of Quality accounts				
49	for fiscal year 2011 and that has met its required local match for incentive or Lottery-funded				
50	programs in which the locality elected to participate in fiscal year 2011 may carry over into				
51	fiscal year 2012 any remaining state Direct Aid to Public Education fund balances available to				
52	help minimize any fiscal year 2012 revenue adjustments that may occur in state funding to that				
53	locality. Localities electing to carry forward such unspent state funds must appropriate the				

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1	funds to the school division for expenditure in fiscal year 2012.			
2	b. Any locality that has met its required local effort for the Standards of Quality accounts for fiscal year 2012 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in fiscal year 2012 may carry over into fiscal year 2013 any remaining state Direct Aid to Public Education fund balances available to help minimize any fiscal year 2013 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in fiscal year 2013.			
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9	25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.			
10				
11				
12	26. The Department of Education shall allocate an additional \$122,941,314 from the State Fiscal Stabilization Fund, American Recovery and Reinvestment Act of 2009, appropriated in Item 133 in the first year to the local school divisions to pay a portion of the state's share of Basic Aid. The allocations shall be based on the proportion that each school division represents to the statewide total of Basic Aid amount in this Item as introduced in House Bill 30/ Senate Bill 30. The amounts appropriated are an estimate, and may be modified by the Director, Department of Planning and Budget depending on final budget reduction actions taken to the final budget bill enacted for the 2008-10 biennium.			
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20	C. Apportionment			
21	1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.			
22				
23				
24				
25	2. School Employee Retirement Contributions			
26	a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.			
27				
28				
29	b. Notwithstanding § 51.1-1401 of the Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional positions, distributed based on the composite index of the local ability-to-pay.			
30				
31				
32				
33				
34	c. As a part of the review of the Virginia Retirement System pursuant to House Joint Resolution No. 34 the joint subcommittee shall review: 1) the Commonwealth's responsibilities for funding the teacher retirement system beyond the actuarial normal rate and 2) the Commonwealth's appropriate share for retirement payments by school divisions. In making this review, the joint subcommittee shall review the impact of the blended retirement rates on the retirement system, school divisions, and the Commonwealth.			
35				
36				
37				
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40	3. School Employee Social Security Contributions			
41	This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.			
42				
43				
44	3.1 Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$139,575,000 the first year and \$130,086,428 the second year.			
45				
46				
47				
48	4. School Employee Insurance Contributions			
49	This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group			
50				

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1	insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.				
2	5. Basic Aid Payments				
3	a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is				
4	established individually for each local school division based on the number of instructional				
5	personnel required by the Standards of Quality and the statewide prevailing salary levels				
6	(adjusted in Planning District Eight for the cost of competing) as well as recognized support				
7	costs calculated on a prevailing basis for an estimated March 31 ADM (adjusted for half-day				
8	kindergarten programs).				
9	2) This appropriation includes funding to recognize the common labor market in the				
10	Washington -Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area.				
11	Standards of Quality salary payments for instructional and support positions in school divisions				
12	of the localities set out below have been adjusted for the equivalent portion of the Cost of				
13	Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District				
14	8. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and				
15	Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments have been				
16	increased by 25 percent each year of the COCA rates paid to school divisions in Planning				
17	District 8.				
18	b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less				
19	the locality's estimated revenues from the state sales and use tax (returned on the basis of the				
20	2008 triennial census of school age population in the first year and the 2008 triennial census in				
21	the second year, as specified in this Item), in the fiscal year in which the school year begins				
22	and less the required local expenditure.				
23	c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax				
24	estimates are as cited in this Item.				
25	d. 1) In accordance with the provisions of §§ 22.1-281 and 37.1-96, Code of Virginia, the				
26	Department of Education shall deduct the locality's share for the education of handicapped				
27	pupils residing in institutions within the Department of Behavioral Health and Developmental				
28	Services from the locality's Basic Aid appropriation.				
29	2) The amounts deducted from Basic Aid for the education of intellectually disabled persons				
30	shall be transferred to the Department of Behavioral Health and Developmental Services in				
31	support of the cost of educating such persons; the amount deducted from Basic Aid for the				
32	education of emotionally disturbed persons shall be used to cover extraordinary expenses				
33	incurred in the education of such persons. The Department of Education shall establish				
34	guidelines to implement these provisions and shall provide for the periodic transfer of sums				
35	due from each local school division to the Department of Behavioral Health and Developmental				
36	Services and for Special Education categorical payments. The amount of the actual transfers				
37	will be based on data accumulated during the prior school year.				
38	e. 1) The apportionment to localities of all driver education revenues received during the school				
39	year shall be made as an undesignated component of the state share of the basic operation cost				
40	in accordance with the provisions of this Item. Only school divisions complying with the				
41	standardized program established by the Board of Education shall be entitled to participate in				
42	the distribution of state funds appropriated for driver education. The Department of Education				
43	will deduct a designated amount per pupil from a school division's Basic Aid payment when				
44	the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount				
45	will be computed by dividing the current appropriation for the Driver Education Fund by actual				
46	March 31 ADM.				
47	2) Local school boards may charge a per pupil fee for behind-the-wheel driver education				
48	provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver				
49	education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a				
50	pro rata reduction in Basic Aid payments to school divisions.				
51	f. Textbooks				
52	1) The appropriation in this Item includes \$10,610,395 the first year and \$547,995 the second				
53	year from the general fund and \$24,821,859 the first year and \$26,892,683 \$27,410,675 the				

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1	second year from the Lottery Proceeds Fund as the state's share of the cost of textbooks based				
2	on a per pupil amount of \$52.54 the first year and \$40.56 the second year. The state's share of				
3	textbooks will be fund split between the general fund and Lottery Proceeds Fund. A school				
4	division shall appropriate these funds for textbooks or any other public education instructional				
5	expenditure by the school division. The state's distributions for textbooks shall be based on				
6	adjusted March 31 ADM. These funds shall be matched by the local government, based on the				
7	composite index of local ability-to-pay.				
8	2) School divisions shall provide free textbooks to all students.				
9	3) School divisions may use a portion of this funding to purchase Standards of Learning				
10	instructional materials. School divisions may also use these funds to purchase electronic				
11	textbooks or other electronic media resources integral to the curriculum and classroom				
12	instruction and the technical equipment required to read and access the electronic textbooks and				
13	electronic curriculum materials.				
14	4) Any funds provided to school divisions for textbook costs that are unexpended as of June				
15	30, 2011, or June 30, 2012, shall be carried on the books of the locality to be appropriated to				
16	the school division the following year to be used for same purpose.				
17	5) For purposes of calculating rebenchmarking costs for textbooks for the 2012-2014 biennium,				
18	the Department of Education shall include the higher of the fiscal year 2009 or fiscal year 2010				
19	division-level textbook per pupil amount in calculating the base year statewide prevailing per				
20	pupil amount. For this one year calculation, the Department of Education shall adjust, with one				
21	additional year of inflation, any fiscal year 2009 division-level per pupil textbook expenditure				
22	data used in calculating the base year statewide prevailing per pupil amount.				
23	g. The one-cent state sales and use tax earmarked for education and the sales tax revenues				
24	transferred to the general fund from the Public Education Standards of Quality/ Local Real				
25	Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities				
26	on the basis of the 2008 triennial census of school age population in the first year and the 2008				
27	triennial census in the second year as specified in this Item shall be reflected in each locality's				
28	annual budget for educational purposes as a separate revenue source for the then current fiscal				
29	year.				
30	h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts				
31	estimated at \$217,300,000 the first year and \$225,100,000 \$216,100,000 the second year from				
32	the amounts transferred to the general fund from the Public Education Standards of				
33	Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act which are				
34	derived from the 1/4 cent increase in the state sales and use tax levied pursuant to Chapter 3,				
35	2004 Special Session I. These additional funds are provided to local school divisions and local				
36	governments in order to relieve the financial pressure education programs place on local real				
37	estate taxes.				
38	i. From the total amounts in paragraph h. above, an amount estimated at \$108,400,000 the first				
39	year and \$112,400,000 \$113,700,000 the second year (approximately 1/8 cent of sales and use				
40	tax) is appropriated to support a portion of the cost of the state's share of the following				
41	revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly				
42	of 2004: five elementary resource teachers per 1,000 students; one support and one instructional				
43	technology position per 1,000 students; a full daily planning period for teachers at the middle				
44	and high school levels in order to relieve the pressure on local real estate taxes and shall be				
45	taken into account by the governing body of the county, city, or town in setting real estate tax				
46	rates.				
47	j. From the total amounts in paragraph h. above, an amount estimated at \$108,900,000 the first				
48	year and \$112,700,000 \$102,400,000 the second year (approximately 1/8 cent of sales and use				
49	tax) is appropriated in this Item to distribute the remainder of the revenues collected and				
50	deposited into the Public Education Standards of Quality/ Local Real Estate Property Tax				
51	Relief Fund on the basis of the 2008 triennial census of school age population in the first year				
52	and the 2008 triennial census in the second year as specified in this Item.				
53	k. For the purposes of funding certain support positions in Basic Aid a funding ratio				
54	methodology is used based upon the prevailing ratio of support positions to SOQ funded				
55	instructional positions as established in Chapter 781, 2009 Acts of Assembly. For the purposes				

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1	of making the required spending adjustments, the appropriation and distribution of Basic Aid				
2	shall reflect this methodology. Local school divisions shall have the discretion as to where the				
3	adjustment may be made, consistent with the Standards of Quality funded in this Act.				
4	6. Education of the Gifted Payments				
5	a. An additional payment shall be disbursed by the Department of Education to local school				
6	divisions to support the state share of one full-time equivalent instructional position per 1,000				
7	students in adjusted March 31 ADM.				
8	b. Local school divisions are required to spend, as part of the required local expenditure for the				
9	Standards of Quality the established per pupil cost for gifted education (state and local share)				
10	on approved programs for the gifted.				
11	7. Occupational-Vocational Education Payments				
12	a. An additional payment shall be disbursed by the Department of Education to the local school				
13	divisions to support the state share of the number of Vocational Education instructors required				
14	by the Standards of Quality. These funds shall be disbursed on the same basis as the payment				
15	is calculated.				
16	b. An amount estimated at \$107,216,580 the first year and \$107,704,301 the second year from				
17	the general fund included in Basic Aid Payments relates to vocational education programs in				
18	support of the Standards of Quality.				
19	8. Special Education Payments				
20	a. An additional payment shall be disbursed by the Department of Education to the local school				
21	divisions to support the state share of the number of Special Education instructors required by				
22	the Standards of Quality. These funds shall be disbursed on the same basis as the payment is				
23	calculated.				
24	b. Out of the amounts for special education payments, general fund support is provided to fund				
25	the caseload standards for speech pathologists at 68 students for each year of the biennium.				
26	9. Remedial Education Payments				
27	a. An additional payment estimated at \$69,458,001 the first year and \$69,431,627 \$69,402,834				
28	the second year from the general fund shall be disbursed by the Department of Education to				
29	support the Board of Education's Standards of Quality Prevention, Intervention, and				
30	Remediation program adopted in June 2003.				
31	b. The payment shall be calculated based on one hour of additional instruction per day for				
32	identified students, using the three year average percent of students eligible for the federal Free				
33	Lunch program as a proxy for students needing such services. Fall membership shall be				
34	multiplied by the three year average division-level Free Lunch eligibility percentage to				
35	determine the estimated number of students eligible for services. Pupil-teacher ratios shall be				
36	applied to the estimated number of eligible students to determine the number of instructional				
37	positions needed for each school division. The pupil-teacher ratio applied for each school				
38	division shall range from 10:1 for those divisions with the most severe combined three year				
39	average failure rates for English and math Standards of Learning test scores to 18:1 for those				
40	divisions with the lowest combined three year average failure rates for English and math				
41	Standards of Learning test scores.				
42	c. Funding shall be matched by the local government based on the composite index of local				
43	ability-to-pay.				
44	d. To provide flexibility in the instruction of English Language Learners who have limited				
45	English proficiency and who are at risk of not meeting state accountability standards, school				
46	divisions may use state and local funds from the SOQ Prevention, Intervention, and				
47	Remediation account to employ additional English Language Learner teachers to provide				
48	instruction to identified limited English proficiency students. Using these funds in this manner				
49	is intended to supplement the instructional services provided through the SOQ staffing standard				
50	of 17 instructional positions per 1,000 limited English proficiency students. School divisions				

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1	using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only			
2	employ instructional personnel licensed by the Board of Education.			
3	e. An additional state payment estimated at \$63,963,698 the first year and			
4	\$63,991,497 \$63,940,825 the second year from the Lottery Proceeds Fund shall be disbursed			
5	based on the estimated number of federal Free Lunch participants, in support of programs for			
6	students who are educationally at risk. The additional payment shall be based on the state			
7	share of:			
8	1) A minimum one percent add-on, as a percent of the per pupil basic aid cost, for each child			
9	who qualifies for the federal Free Lunch Program; and			
10	2) An addition to the add-on, based on the concentration of children qualifying for the federal			
11	Free Lunch Program. Based on its percentage of Free Lunch participants, each school division			
12	will receive between 1 and 12 percent in additional basic aid per Free Lunch participant. These			
13	funds shall be matched by the local government, based on the composite index of local			
14	ability-to-pay.			
15	3a) Local school divisions are required to spend the established at-risk payment (state and local			
16	share) on approved programs for students who are educationally at risk.			
17	b) To receive these funds, each school division shall certify to the Department of Education			
18	that the state and local share of the at-risk payment will be used to support approved programs			
19	for students who are educationally at risk. These programs may include: Dropout Prevention,			
20	community and school-based truancy officer programs, Advancement Via Individual			
21	Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak			
22	English as a second language, or programs related to increasing the success of disadvantaged			
23	students in completing a high school degree and providing opportunities to encourage further			
24	education and training. Further, any new funds a school division receives in excess of the			
25	amounts received in fiscal year 2008 may be used first to provide data coordinators or to			
26	purchase similar services for schools that have not met Adequate Yearly Progress (AYP) under			
27	the federal No Child Left Behind Act or are not fully accredited under the Standards of			
28	Accreditation. The data coordinator position is intended to provide schools with needed			
29	support in the area of data analysis and interpretation for instructional purposes, as well as			
30	overall data management and the administration of state assessments. The position would			
31	primarily focus on data related to instruction and school improvement, including: student			
32	assessment, student attendance, student/teacher engagement, behavior referrals, suspensions,			
33	retention, and graduation rates.			
34	f. Regional Alternative Education Programs			
35	1) An additional state payment of \$6,715,412 the first year and \$7,031,965 \$6,941,282 the			
36	second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative			
37	Education programs. Such programs shall be for the purpose of educating certain expelled			
38	students and, as appropriate, students who have received suspensions from public schools and			
39	students returned to the community from the Department of Juvenile Justice.			
40	2) Each regional program shall have a small student/staff ratio. Such staff shall include, but			
41	not be limited to education, mental health, health, and law enforcement professionals, who will			
42	collaborate to provide for the academic, psychological, and social needs of the students. Each			
43	program shall be designed to ensure that students make the transition back into the			
44	"mainstream" within their local school division.			
45	3) a) Regional alternative education programs are funded through this Item based on the state's			
46	share of the incremental per pupil cost for providing such programs. This incremental per pupil			
47	payment shall be adjusted for the composite index of local ability-to-pay of the school division			
48	that counts such students attending such program in its March 31 Average Daily Membership.			
49	It is the intent of the General Assembly that this incremental per pupil amount be in addition			
50	to the basic aid per pupil funding provided to the affected school division for such students.			
51	Therefore, local school divisions are encouraged to provide the appropriate portion of the basic			
52	aid per pupil funding to the regional programs for students attending these programs, adjusted			
53	for costs incurred by the school division for transportation, administration, and any portion of			
54	the school day or school year that the student does not attend such program.			

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1	b) In the event a school division does not use all of the student slots it is allocated under this				
2	program, the unused slots may be reallocated or transferred to another school division.				
3	1. A school division must request from the Department of Education the availability and				
4	possible use of any unused student slots. If any unused slots are available and if the requesting				
5	school division chooses to utilize any of the unused slots, the requesting school division shall				
6	only receive the state's share of tuition for the unused slot that was allocated in this Item for				
7	the originally designated school division.				
8	2. However, no requesting school division shall receive more tuition funding from the state for				
9	any requested unused slot than what would have been the calculated amount for the requesting				
10	school division had the unused slot been allocated to the requesting school division in the				
11	original budget. Furthermore, the requesting school division shall pay for any remaining tuition				
12	payment necessary for using a previously unused slot.				
13	3. The Department of Education shall provide assistance for the state share of the incremental				
14	cost of Regional Alternative Education program operations based on the composite index of				
15	local ability-to-pay.				
16	g. Remedial Summer School				
17	1) This appropriation includes \$20,823,833 the first year and \$21,496,705 \$20,979,581 the				
18	second year from the Lottery Proceeds Fund for the state's share of Remedial Summer School				
19	Programs. These funds are available to school divisions for the operation of programs designed				
20	to remediate students who are required to attend such programs during a summer school				
21	session or during an intersession in the case of year-round schools. These funds may be used				
22	in conjunction with other sources of state funding for remediation or intervention. School				
23	divisions shall have maximum flexibility with respect to the use of these funds and the types of				
24	remediation programs offered; however, in exercising this flexibility, students attending these				
25	programs shall not be charged tuition and no high school credit may be awarded to students				
26	who participate in this program.				
27	2) For school divisions charging students tuition for summer high school credit courses,				
28	consideration shall be given to students from households with extenuating financial				
29	circumstances who are repeating a class in order to graduate.				
30	10. K-3 Primary Class Size Reduction Payments				
31	a. An additional payment estimated at \$72,710,288 the first year and \$74,777,373 \$74,411,182				
32	the second year from the Lottery Proceeds Fund shall be disbursed by the Department of				
33	Education as an incentive for reducing class sizes in the primary grades.				
34	b. The Department of Education shall calculate the payment based on the incremental cost of				
35	providing the lower class sizes based on the lower of the division average per pupil cost of all				
36	divisions or the actual division per pupil cost.				
37	c. Localities are required to provide a match for these funds based on the composite index of				
38	local ability-to-pay.				
39	d. By October 15 of each year school divisions must provide data to the Department of				
40	Education that each participating school has a September 30 pupil/teacher ratio in grades K				
41	through 3 that meet the following criteria:				
42	Qualifying School Percentage of Students				
43	Approved				
44		Grades K-3	Maximum		
45	Eligible for Free Lunch	School Ratio	Individual		
46	30% but less than 45%	19 to 1	K-3 Class Size		
47	45% but less than 55%	18 to 1			
48	55% but less than 65%	17 to 1			
49	65% but less than 70%	16 to 1			
50	70% but less than 75%	15 to 1			
51	75% or more	14 to 1			

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1	e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a				
2	portion of grades kindergarten through three, with a commensurate reduction of state and				
3	required local funds, if local conditions do not permit participation at the established ratio				
4	and/or maximum individual class size. Special education teachers and instructional aides shall				
5	not be counted towards meeting these required pupil/teacher ratios in grades kindergarten				
6	through three.				
7	f. The Superintendent of Public Instruction may grant waivers to school divisions for the class				
8	size requirement in eligible schools that have only one class in an affected grade level in the				
9	school.				
10	11. Literary Fund Subsidy Program Payments				
11	a. The Board of Education and the Virginia Public School Authority (VPSA) shall provide a				
12	program of funding for school construction and renovation through the Literary Fund and				
13	through VPSA bond sales. The program shall be used to provide funds, through Literary Fund				
14	loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the				
15	First or Second Literary Fund Waiting List, or other critical projects which may receive priority				
16	placement on the First or Second Literary Fund Waiting List by the Board of Education.				
17	Interest rate subsidies will provide school divisions with the present value difference in debt				
18	service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an				
19	interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and				
20	shall be subject to the same restrictions. The VPSA shall work with the Board of Education in				
21	selecting those projects to be funded through the interest rate subsidy/bond financing program,				
22	so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the				
23	VPSA Bond Pool.				
24	b. The Board of Education may offer Literary Fund loans from the uncommitted balances of				
25	the Literary Fund after meeting the obligations of the interest rate subsidy sales and the				
26	amounts set aside from the Literary Fund for Debt Service Payments for Education Technology				
27	in this Item.				
28	c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School				
29	Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to				
30	June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of				
31	either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the				
32	sum of (i) the payments on general obligation school bonds of cities, counties, and towns				
33	(localities) paid to the VPSA and (ii) the proceeds derived from the application of the				
34	provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt				
35	service due on such bonds of the VPSA on such date, there is hereby appropriated to the				
36	VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a				
37	sum equal to such deficiency.				
38	2) The Commonwealth shall be subrogated to the VPSA to the extent of any such				
39	appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with				
40	respect to the defaulting locality and to full recovery of the amount of such deficiency, together				
41	with interest at the rate of the defaulting locality's bonds.				
42	d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1				
43	of each year, make and deliver to the Governor and the Secretary of Finance a certificate				
44	setting forth his estimate of total debt service during each fiscal year of the biennium on bonds				
45	of the VPSA issued and projected to be issued during such biennium pursuant to the bond				
46	resolution referred to in paragraph a above. The Governor's budget submission each year shall				
47	include provisions for the payment of debt service pursuant to paragraph 1) above.				
48	12. Educational Technology Payments				
49	a. Any unobligated amounts transferred to the educational technology fund shall be disbursed				
50	on a pro rata basis to localities. The additional funds shall be used for technology needs				
51	identified in the division's technology plan approved by the Department of Education.				
52	b. The Board of Education shall authorize amounts estimated at \$12,825,750 the first year from				
53	the Literary Fund to provide debt service payments for the education technology grant program				
54	conducted through the Virginia Public School Authority in 2006.				

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1	c. The Board of Education shall authorize amounts estimated at \$12,981,750 the first year and				
2	\$12,978,000 the second year from the Literary Fund to provide debt service payments for the				
3	education technology grant program conducted through the Virginia Public School Authority in				
4	2007.				
5	d.1) The Board of Education shall authorize amounts estimated at \$12,606,750 the first year				
6	and \$12,607,250 the second year from the Literary Fund to provide debt service payments for				
7	the education technology grant program conducted through the Virginia Public School				
8	Authority in 2008.				
9	2) It is the intent of the General Assembly to authorize sufficient appropriate Literary Fund				
10	revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized				
11	for this program. In developing the proposed 2012-14 biennial budget for public education, the				
12	Board of Education shall include a recommendation to the Governor to authorize sufficient				
13	Literary Fund revenues to make debt service payments for this program in fiscal year 2013.				
14	e. 1) The Board of Education shall authorize amounts estimated at \$12,155,750 the first year				
15	and \$12,151,000 the second year from the Literary Fund to provide debt service payments for				
16	the education technology grant program conducted through the Virginia Public School				
17	Authority in 2009.				
18	2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to				
19	pay debt service on the Virginia Public School Authority bonds or notes authorized for this				
20	program. In developing the proposed 2012-14 biennial budget for public education, the Board				
21	of Education shall include a recommendation to the Governor to authorize sufficient Literary				
22	Fund revenues to make debt service payments for this program in fiscal year 2013 and fiscal				
23	year 2014.				
24	f.1) The Board of Education shall authorize amounts estimated at \$12,940,236 the first year				
25	and \$13,051,000 the second year from the Literary Fund to provide debt service payments for				
26	the education technology grant program conducted through the Virginia Public School				
27	Authority in 2010.				
28	2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to				
29	pay debt service on the Virginia Public School Authority bonds or notes authorized for this				
30	program. In developing the proposed 2012-14 and 2014-16 biennial budgets for public				
31	education, the Board of Education shall include a recommendation to the Governor to authorize				
32	sufficient Literary Fund revenues to make debt service payments for this program in fiscal				
33	years 2013, 2014, and 2015.				
34	g. 1) An education technology grant program shall be conducted through the Virginia Public				
35	School Authority, through the issuance of equipment notes in an amount estimated at				
36	\$56,986,000 in fiscal year 2011 and \$57,168,000 \$58,078,000 in fiscal year 2012. Proceeds of				
37	the notes will be used to establish a computer-based instructional and testing system for the				
38	Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity				
39	at high schools followed by middle schools followed by elementary schools. By fiscal year				
40	2011, high schools within the division shall administer 100 percent of SOL tests online; by				
41	fiscal year 2012, middle and high schools shall administer 100 percent of SOL tests online; and				
42	by fiscal year 2013, elementary, middle, and high schools shall administer 100 percent of SOL				
43	tests online. School divisions shall use these funds first to develop and maintain the capability				
44	to support the administration of online SOL testing for all students with the exception of				
45	students with a documented need for a paper SOL test.				
46	2) The Board of Education shall authorize amounts estimated at \$12,020,428 \$11,907,598 the				
47	second year from the Literary Fund to provide debt service payments for the education				
48	technology grant program conducted through the Virginia Public School Authority in fiscal				
49	year 2011.				
50	3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to				
51	pay debt service on the Virginia Public School Authority bonds or notes authorized for				
52	education technology grant programs in fiscal year 2011 and in fiscal year 2012. In developing				
53	the proposed 2012-14, 2014-2016, and 2016-2018 biennial budgets for public education, the				
54	Board of Education shall include a recommendation to the Governor to authorize sufficient				
55	Literary Fund revenues to make debt service payments for these programs in fiscal years 2013,				

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1	2014, 2015, 2016, and 2017.				
2	4) Grant funds from the issuance of \$56,986,000 in fiscal year 2011 and				
3	\$57,168,000 \$58,078,000 in fiscal year 2012 in equipment notes are based on a grant of				
4	\$26,000 per school and \$50,000 per school division. For purposes of this grant program,				
5	eligible schools shall include schools that are subject to state accreditation and reporting				
6	membership in grades K through 12 as of September 30, 2010, for the fiscal year 2011				
7	issuance, and September 30, 2011, for the fiscal year 2012 issuance, as well as regional				
8	vocational centers, special education centers, alternative education centers, regular school year				
9	Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only				
10	pre-kindergarten students shall not be eligible for this grant.				
11	5) Supplemental grants shall be allocated to eligible divisions to support schools that are not				
12	fully accredited in accordance with this paragraph. Schools that administer SOL tests in Spring				
13	2010 and that are not fully accredited based on school accreditation ratings in effect for fiscal				
14	year 2011 will qualify for a supplemental grant of \$26,000 per school in fiscal years 2011,				
15	2012, and 2013. Schools that administer SOL tests in Spring 2011 and that are not fully				
16	accredited based on school accreditation ratings in effect for fiscal year 2012 will qualify for a				
17	supplemental grant of \$26,000 per school in fiscal years 2012, 2013, and 2014. Schools				
18	eligible to receive these three-year supplemental grants shall only receive them one time.				
19	6) Required local match:				
20	a) Localities are required to provide a match for these funds equal to 20 percent of the grant				
21	amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25				
22	percent of the local match shall be used for teacher training in the use of instructional				
23	technology. The Superintendent of Public Instruction is authorized to reduce the required local				
24	match for school divisions with a composite index of local ability-to-pay below 0.2000. The				
25	School for the Deaf and the Blind is exempt from the match requirement.				
26	b) School divisions that administer 100 percent of SOL tests online in all elementary, middle,				
27	and high schools may use up to 75 percent of their required local match to purchase targeted				
28	technology-based interventions. Such interventions may include the necessary technology and				
29	software to support online learning, technology-based content systems, content management				
30	systems, technology equipment systems, information and data management systems, and other				
31	appropriate technologies that support the individual needs of learners. School divisions that				
32	receive supplemental grants of \$26,000 per school pursuant to paragraph g. 5) and where 100				
33	percent of SOL tests are administered online in the schools receiving the supplemental grants				
34	shall give first priority to purchasing these technology-based interventions as well as teacher				
35	training in the use of the interventions from their required local match.				
36	7) The goal of the education technology grant program is to improve the instructional,				
37	remedial, and testing capabilities of the Standards of Learning for local school divisions and to				
38	increase the number of schools achieving full accreditation.				
39	8) Funds shall be used in the following manner:				
40	a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to				
41	computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed				
42	access to the Internet. School connectivity (computers, LANs and network access) shall include				
43	sufficient download/upload capability to ensure that each student will have adequate access to				
44	Internet-based instructional, remedial and assessment programs.				
45	b) When each high school in a division meets the goals established in paragraph a) above, the				
46	remaining funds shall be used to develop similar capability in first the middle schools and then				
47	the elementary schools.				
48	c) For purposes of establishing or enhancing a computer-based instructional program supporting				
49	the Standards of Learning pursuant to paragraph g. 1) above, school divisions may use these				
50	grant funds to purchase handheld multifunctional computing devices that support a broad range				
51	of applications and that are controlled by operating systems providing full multimedia support				
52	and mobile Internet connectivity. School divisions that elect to use these grant funds to				
53	purchase such qualifying handheld devices must continue to meet the on-line testing				
54	requirements stated in paragraph g. 1) above.				

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1	d) School divisions shall be eligible to apply for and receive supplemental grants of \$26,000				
2	per qualifying school pursuant to paragraph g. 5). These supplemental grants shall be used first				
3	for the purpose of developing and maintaining capacity to support 100 percent online SOL				
4	testing of all students in qualifying schools and helping the schools achieve full accreditation				
5	with the assistance of targeted technology-based interventions. Any purchase of				
6	technology-based interventions as described in paragraph g. 6) b) with supplemental grant funds				
7	must be qualifying expenses under the technology notes program. Eligibility for these funds				
8	requires divisions to submit an application and plan that includes goals, objectives, strategies,				
9	and a timeline for implementation. Division plans will be reviewed and approved by the				
10	Superintendent of Public Instruction prior to disbursement of the supplemental grant funds.				
11	e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school				
12	divisions became one school division, whether by consolidation of only the school divisions or				
13	by consolidation of the local governments, such resulting division shall be provided funding				
14	through this program on the basis of having the same number of school divisions as existed				
15	prior to September 30, 2000.				
16	9) Local school divisions shall maximize the use of available federal funds, including E-Rate				
17	Funds, and to the extent possible, use such funds to supplement the program and meet the				
18	goals of this program.				
19	h. The Department of Education shall maintain criteria to determine if high schools, middle				
20	schools, or elementary schools have the capacity to meet the goals of this initiative. The				
21	Department of Education shall be responsible for the project management of this program.				
22	i.1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public				
23	School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia,				
24	and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia,				
25	or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the				
26	amounts authorized for debt service due on such bonds or notes of the VPSA on such date,				
27	there is hereby appropriated to the VPSA from the general fund a sum equal to such				
28	deficiency.				
29	2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1				
30	of each year, make and deliver to the Governor and the Secretary of Finance a certificate				
31	setting forth his estimate of total debt service during each fiscal year of the biennium on bonds				
32	and notes of the VPSA issued and projected to be issued during such biennium pursuant to				
33	the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall				
34	include provisions for the payment of debt service pursuant to paragraph 1) above.				
35	j. Unspent proceeds of the notes, including investment income derived from the proceeds of the				
36	notes may be used to pay interest on, or to decrease principal of the notes.				
37	k.1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with				
38	State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a				
39	Telephone Company for the State Government" shall be deemed to include communications				
40	lines into public schools which are used for educational technology. The rate structure for such				
41	lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information				
42	Officer of the Virginia Information Technologies Agency. Further, the Superintendent and				
43	Director are authorized to encourage the development of "by-pass" infrastructure in localities				
44	where it fails to obtain competitive prices or prices consistent with the best rates obtained in				
45	other parts of the state.				
46	2) The State Corporation Commission, in its consideration of the discount for services provided				
47	to elementary schools, secondary schools, and libraries and the universal service funding				
48	mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby				
49	encouraged to make the discounts for intrastate services provided to elementary schools,				
50	secondary schools, and libraries for educational purposes as large as is prudently possible and				
51	to fund such discounts through the universal fund as provided in § 254. The Commission shall				
52	proceed as expeditiously as possible in implementing these discounts and the funding				
53	mechanism for intrastate services, consistent with the rules of the Federal Communications				
54	Commission aimed at the preservation and advancement of universal service.				
55	13. Virginia Preschool Initiative Payments				

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		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	a.1) It is the intent of the General Assembly that a payment estimated at \$60,482,416 the first				
2	year and \$65,104,439 \$62,780,182 the second year from the Lottery Proceeds Fund shall be				
3	disbursed by the Department of Education to schools and community-based organizations to				
4	provide quality preschool programs for at-risk four-year-olds unserved by Head Start program				
5	funding. In no event shall distributions from the Lottery Proceeds Fund be made directly to				
6	community-based or private providers.				
7	2) These state funds and required local matching funds shall be used to provide programs for				
8	at-risk four-year-old children which include quality preschool education, health services, social				
9	services, parental involvement and transportation. It shall be the policy of the Commonwealth				
10	that state funds and required local matching funds for the Virginia Preschool Initiative not be				
11	used for capital outlay. Programs must provide full-day or half-day and, at least, school-year				
12	services.				
13	3) The Department of Education, in cooperation with the Council on Child Day Care and Early				
14	Childhood Programs, shall establish academic standards that are in accordance with appropriate				
15	preparation for students to be ready to successfully enter kindergarten. These standards shall be				
16	established in such a manner as to be measurable for student achievement and success.				
17	Students shall be required to be evaluated in the fall and in the spring by each participating				
18	school division and the school divisions must certify that the Virginia Preschool Initiative				
19	program follows the established standards in order to receive the funding for quality preschool				
20	education and criteria for the service components. Such guidelines shall be consistent with the				
21	findings of the November 1993 study by the Board of Education, the Department of Education,				
22	and the Council on Child Day Care and Early Childhood Programs.				
23	4)a) Grants shall be distributed based on an allocation formula providing the state share of a				
24	\$6,000 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a				
25	full-day program. Programs operating half-day shall receive state funds based on a fractional				
26	basis determined by the pro-rata portion of a full-day, school year program provided. Half-day				
27	programs shall operate for a minimum of three hours of classroom instructional time per day,				
28	excluding breaks for lunch or recess, and grants to half-day programs shall be funded based on				
29	the state share of \$3,000 per unserved at-risk four-year-old in each locality. Full-day programs				
30	shall operate for a minimum of five and one-half instructional hours, excluding breaks for				
31	meals and recess. No additional state funding is provided for programs operating greater than				
32	three hours per day but less than five and one-half hours per day. In determining the state and				
33	local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.				
34	b) For new programs in the first year of implementation only, programs operating less than a				
35	full school year shall receive state funds on a fractional basis determined by the pro-rata				
36	portion of a school year program provided. In determining the prorated state funds to be				
37	received, a school year shall be 180 days.				
38	b.1) Any locality which desires to participate in this grant program must submit a proposal				
39	through its chief administrator (county administrator or city manager) by May 15 of each year.				
40	The chief administrator, in conjunction with the school superintendent, shall identify a lead				
41	agency for this program within the locality. The lead agency shall be responsible for				
42	developing a local plan for the delivery of quality preschool services to at-risk children which				
43	demonstrates the coordination of resources and the combination of funding streams in an effort				
44	to serve the greatest number of at-risk four-year-old children.				
45	2) The proposal must demonstrate coordination with all parties necessary for the successful				
46	delivery of comprehensive services, including the schools, child care providers, local social				
47	services agency, Head Start, local health department, and other groups identified by the lead				
48	agency.				
49	3) A local match, based on the composite index of local ability-to-pay, shall be required. For				
50	purposes of meeting the local match, localities may use local expenditures for existing				
51	qualifying programs, however, at least seventy-five percent of the local match will be cash and				
52	no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash				
53	outlays that are made by the locality that benefit the program but are not directly charged to				
54	the program. The value of fixed assets cannot be considered as an in-kind contribution.				
55	Localities shall also continue to pursue and coordinate other funding sources, including child				
56	care subsidies. Funds received through this program must be used to supplement, not supplant,				
57	any funds currently provided for programs within the locality. However, in the event a locality				

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1	is prohibited from continuing the previous level of support to programs for at-risk				
2	four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the				
3	state and local funds provided in this grants program may be used to continue services to these				
4	Title I students. Such prohibition may occur due to amendments to the allocation formula in				
5	the reauthorization of ESEA as the No Child Left Behind Act of 2001 or due to a percentage				
6	reduction in a locality's Title I allocation in 2009-2010 or 2010-2011. Any locality so affected				
7	shall provide written evidence to the Superintendent of Public Instruction and request his				
8	approval to continue the services to Title I students.				
9	c. Local plans must provide clear methods of service coordination for the purpose of reducing				
10	the per child cost for the service, increasing the number of at-risk children served and/or				
11	extending services for the entire year. Examples of these include:				
12	1) "Wraparound Services" — methods for combining funds such as child care subsidy dollars				
13	administered by local social service agencies with dollars for quality preschool education				
14	programs.				
15	2) "Wrapout Services" — methods for using grant funds to purchase quality preschool services				
16	to at-risk four-year-old children through an existing child care setting by purchasing				
17	comprehensive services within a setting which currently provides quality preschool education.				
18	3) "Expansion of Service" — methods for using grant funds to purchase slots within existing				
19	programs, such as Head Start, which provide comprehensive services to at-risk four-year-old				
20	children.				
21	Local plans must indicate the number of at-risk four-year-old children to be served, and the				
22	criteria by which they will be determined to be at risk.				
23	d.1) The Department of Education and the Council on Child Day Care and Early Childhood				
24	Programs shall provide technical assistance for the administration of this grant program to				
25	provide assistance to localities in developing a comprehensive, coordinated, quality preschool				
26	program for serving at-risk four-year-old children.				
27	2) A pre-application session shall be provided by the Department and the Council on Child				
28	Day Care and Early Childhood Programs prior to the proposal deadline. The Department shall				
29	provide interested localities with information on models for service delivery, methods of				
30	coordinating funding streams, such as funds to match federal IV-A child care dollars, to				
31	maximize funding without supplanting existing sources of funding for the provision of services				
32	to at-risk four-year-old children. A priority for technical assistance in the design of programs				
33	shall be given to localities where the majority of the at-risk four-year-old population is				
34	currently unserved.				
35	e. The Department of Education is authorized to expend unobligated balances in this program's				
36	adopted budget allocations for grants to qualifying school divisions for one-time expenses,				
37	other than capital, related to start-up or expansion of programs.				
38	14. Early Reading Intervention Payments				
39	a. An additional payment of \$13,375,413 the first year and \$13,409,571 \$13,618,329 the second				
40	year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to				
41	local school divisions for the purposes of providing early reading intervention services to				
42	students in grades kindergarten through 3 who demonstrate deficiencies based on their				
43	individual performance on diagnostic tests which have been approved by the Department of				
44	Education. The Department of Education shall review the tests of any local school board				
45	which requests authority to use a test other than the state-provided test to ensure that such local				
46	test uses criteria for the early diagnosis of reading deficiencies which are similar to those				
47	criteria used in the state-provided test. The Department of Education shall make the				
48	state-provided diagnostic test used in this program available to local school divisions. School				
49	divisions shall report the results of the diagnostic tests to the Department of Education on an				
50	annual basis at a time to be determined by the Superintendent of Public Instruction.				
51	b. These payments shall be based on the state's share of the cost of providing two and one-half				
52	hours of additional instruction each week for an estimated number of students in each school				
53	division at a student to teacher ratio of five to one. The estimated number of students in each				

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1	school division in each year shall be determined by multiplying the projected number of			
2	students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3			
3	by the percent of students who are determined to need services based on diagnostic tests			
4	administered in the previous year in that school division and adjusted in the following manner:			
5		Year 1	Year 2	
6	Kindergarten	100%	100%	
7	Grade 1	100%	100%	
8	Grade 2	100%	100%	
9	Grade 3	25%	25%	
10	c. These payments are available to any school division that certifies to the Department of			
11	Education that an intervention program will be offered to such students and that each student			
12	who receives an intervention will be assessed again at the end of that school year. Such			
13	intervention programs, at the discretion of the local school division, may include, but not be			
14	limited to, the use of: special reading teachers; trained aides; volunteer tutors under the			
15	supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct			
16	in-class groups while the teacher provides direct instruction to the students who need extra			
17	assistance; or extended instructional time in the school day or year for these students.			
18	Localities receiving these payments are required to match these funds based on the composite			
19	index of local ability-to-pay.			
20	15. Standards of Learning Algebra Readiness Payments			
21	a. An additional payment of \$9,074,317 the first year and \$9,062,788 \$9,185,714 the second			
22	year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to			
23	local school divisions for the purposes of providing math intervention services to students in			
24	grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated			
25	by their individual performance on diagnostic tests which have been approved by the			
26	Department of Education. The Department of Education shall review the tests to ensure that			
27	such local test uses state-provided criteria for diagnosis of math deficiencies which are similar			
28	to those criteria used in the state-provided test. The Department of Education shall make the			
29	state-provided diagnostic test used in this program available to local school divisions. School			
30	divisions shall report the results of the diagnostic tests to the Department of Education on an			
31	annual basis at a time to be determined by the Superintendent of Public Instruction.			
32	b. These payments shall be based on the state's share of the cost of providing two and one-half			
33	hours of additional instruction each week for an estimated number of students in each school			
34	division at a student to teacher ratio of ten to one. The estimate number of students in each			
35	school division shall be determined by multiplying the projected number of students reported in			
36	each school division's fall membership by the percent of students that qualify for the federal			
37	Free Lunch Program.			
38	c. These payments are available to any school division that certifies to the Department of			
39	Education that an intervention program will be offered to such students and that each student			
40	who receives an intervention will be assessed again at the end of that school year. Localities			
41	receiving these payments are required to match these funds based on the composite index of			
42	local ability-to-pay.			
43	16.School Construction Grants Program Payments			
44	Notwithstanding the requirements of Section 22.1-175.5 of the Code of Virginia, school			
45	divisions are permitted to withdraw funds from local escrow accounts established pursuant to			
46	Section 22.1-175.5 to pay for recurring operational expenses incurred by the school division.			
47	Localities are not required to provide a local match of the withdrawn funds.			
48	17. English as a Second Language Payments			
49	A payment of \$37,514,278 the first year and \$39,960,785 \$38,740,581 the second year from the			
50	Lottery Proceeds Fund shall be disbursed by the Department of Education to local school			
51	divisions to support the state share of 17 professional instructional positions per 1,000 students			
52	for whom English is a second language. Local school divisions shall provide a local match			
53	based on the composite index of local ability-to-pay.			

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1	18. Special Education Instruction Payments				
2	a. The Department of Education shall establish rates for all elements of Special Education				
3	Instruction Payments.				
4	b. Out of the appropriations in this Item, the Department of Education shall make available,				
5	subject to implementation by the Superintendent of Public Instruction, an amount estimated at				
6	\$70,989,340 the first year and \$76,011,161 \$68,193,503 the second year from the Lottery				
7	Proceeds Fund for the purpose of the state's share of the tuition rates for approved public				
8	school regional programs. Notwithstanding any contrary provision of law, the state's share of				
9	the tuition rates shall be based on the composite index of local ability-to-pay.				
10	c. Out of the amounts for Financial Assistance for Categorical Programs, \$29,959,061 the first				
11	year and \$32,784,982 \$31,518,455 the second year from the general fund is appropriated to				
12	permit the Department of Education to enter into agreements with selected local school boards				
13	for the provision of educational services to children residing in certain hospitals, clinics, and				
14	detention homes by employees of the local school boards. The selection and employment of				
15	instructional and administrative personnel under such agreements will be the responsibility of				
16	the local school board in accordance with procedures as prescribed by the local school board.				
17	State payments for the first year to the local school boards operating these programs will be				
18	based on certified expenditures from the fourth quarter of fiscal year 2010 and the first three				
19	quarters of fiscal year 2011. State payments for the second year to the local school boards				
20	operating these programs will be based on certified expenditures from the fourth quarter of				
21	fiscal year 2011 and the first three quarters of fiscal year 2012.				
22	19. Vocational Education Instruction Payments				
23	a. It is the intention of the General Assembly that the Department of Education explore				
24	initiatives that will encourage greater cooperation between jurisdictions and the Virginia				
25	Community College System in meeting the needs of public school systems.				
26	b. This appropriation includes \$1,800,000 the first year from the Lottery Proceeds Fund and				
27	\$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical				
28	equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the				
29	remainder of the funding distributed on the basis of student enrollment in secondary				
30	vocational-technical courses. State funds received for secondary vocational-technical equipment				
31	must be used to supplement, not supplant, any funds currently provided for secondary				
32	vocational-technical equipment within the locality. Local school divisions are not required to				
33	provide a local match in order to receive these state funds.				
34	20. Adult Education Payments				
35	State funds shall be used to reimburse general adult education programs on a fixed cost per				
36	pupil or cost per class basis. No state funds shall be used to support vocational noncredit				
37	courses.				
38	21. General Education Payments				
39	a. This appropriation includes \$4,749,675 the first year from the Lottery Proceeds Fund and				
40	\$4,749,675 \$4,437,895 the second year from the Lottery Proceeds Fund for targeted education				
41	initiatives to improve student achievement and teacher quality, including a mentoring program				
42	for teachers with no experience working in schools that are at-risk of not meeting adequate				
43	yearly progress, a middle school math teacher initiative in at-risk schools, virtual Advanced				
44	Placement courses, student acquisition of industry certifications and GED tests as required by				
45	the No Child Left Behind Act.				
46	b. This appropriation includes \$2,774,478 the first year from the general fund and \$2,774,478				
47	the second year from the Lottery Proceeds Fund to support Project Graduation and any				
48	associated administrative and contractual service expenditures related to this initiative.				
49	22. Virtual Virginia Payments				
50	a. From appropriations in this Item, the Department of Education shall provide assistance for				
51	the Virtual Virginia program.				

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1	b. The local share of costs associated with the operation of the Virtual Virginia program shall				
2	be computed using the composite index of local ability-to-pay.				
3	23. Individual Student Alternative Education Program (ISAEF) Payments				
4	Out of this appropriation, \$2,247,581 the first year from the Lottery Proceeds Fund and				
5	\$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the				
6	secondary schools' Individual Student Alternative Education Program (ISAEF), pursuant to				
7	Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.				
8	24. Foster Children Education Payments				
9	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's				
10	local operations costs, as determined by the Department of Education, for each pupil of school				
11	age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his				
12	education (a) who has been placed in foster care or other custodial care within the geographical				
13	boundaries of such school division by a Virginia agency, whether state or local, which is				
14	authorized under the laws of this Commonwealth to place children; (b) who has been placed in				
15	an orphanage or children's home which exercises legal guardianship rights; or (c) who is a				
16	resident of Virginia and has been placed, not solely for school purposes, in a child-caring				
17	institution or group home.				
18	b. This appropriation provides \$10,379,960 the first year and \$11,280,189 \$9,549,523 the				
19	second year from the Lottery Proceeds Fund to support children attending public school who				
20	have been placed in foster care or other such custodial care across jurisdictional lines, as				
21	provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds				
22	are not adequate to cover the full costs specified therein, the department is authorized to				
23	expend unobligated balances in this Item for this support.				
24	25. Sales Tax Payments				
25	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion				
26	of net revenue from the state sales and use tax, in support of the Standards of Quality (Title				
27	22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).				
28	b. Certification of payments and distribution of this appropriation shall be made by the State				
29	Comptroller.				
30	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the				
31	middle and end of each month.				
32	26. Adult Literacy Payments				
33	a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year				
34	from the general fund for the ongoing literacy programs conducted by Mountain Empire				
35	Community College, and \$125,000 the first year and \$125,000 the second year from the				
36	general fund will be transferred to the Department of Housing and Community Development to				
37	support workforce literacy and training.				
38	b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year				
39	and \$100,000 the second year from the general fund for the Virginia Literacy Foundation				
40	grants to support programs for adult literacy including those delivered by community-based				
41	organizations and school divisions providing services for adults with 0-9th grade reading skills.				
42	c. Out of this appropriation, the Department of Education shall provide \$40,375 the first year				
43	and \$40,375 the second year from the general fund to Virginia Tech as the fiscal agent for the				
44	Virginia Educational Technology Alliance to provide teacher training opportunities in the				
45	effective use of educational technologies to full-time, part-time and volunteer teachers involved				
46	in adult education and literacy programs in the Commonwealth.				
47	27. Governor's School Payments				
48	a. Out of the amounts for Governor's School Payments, the Department of Education shall				
49	provide assistance for the state share of the incremental cost of regular school year Governor's				

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1	Schools based on each participating locality's composite index of local ability-to-pay.				
2	Participating school divisions must certify that no tuition is assessed students for participation				
3	in this program.				
4	b. Out of the amounts for Governor's School Payments, the Department of Education shall				
5	provide assistance for the state share of the incremental cost of summer residential Governor's				
6	Schools and Foreign Language Academies to be based on the greater of the state's share of the				
7	composite index of local ability-to-pay or 50 percent. Participating school divisions must				
8	certify that no tuition is assessed students for participation in this program if they are enrolled				
9	in a public school.				
10	c. For the Summer Governor's Schools and Foreign Language Academies programs, the				
11	Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs				
12	offered, length of programs, and the number of students enrolled in order to maintain costs				
13	within the available state and local funds for these programs.				
14	d. It shall be the policy of the Commonwealth that state general fund appropriations not be				
15	used for capital outlay, structural improvements, renovations, or fixed equipment costs				
16	associated with initiation of existing or proposed Governor's schools. State general fund				
17	appropriations may be used for the purchase of instructional equipment for such schools,				
18	subject to certification by the Superintendent of Public Instruction that at least an equal amount				
19	of funds has been committed by participating school divisions to such purchases.				
20	e. The Board of Education shall not take any action that would increase the state's share of				
21	costs associated with the Governor's Schools as set forth in this Item. This provision shall not				
22	prohibit the Department of Education from submitting requests for the increased costs of				
23	existing programs resulting from updates to student enrollment for school divisions currently				
24	participating in existing programs or for school divisions that begin participation in existing				
25	programs.				
26	f.1) Regular school year Governor's Schools are funded through this Item based on the state's				
27	share of the incremental per pupil cost for providing such programs for each student attending				
28	a Governor's School up to a cap of 1,650 students per Governor's School. This incremental per				
29	pupil payment shall be adjusted for the composite index of the school division that counts such				
30	students attending an academic year Governor's School in their March 31 Average Daily				
31	Membership. It is the intent of the General Assembly that this incremental per pupil amount				
32	be in addition to the basic aid per pupil funding provided to the affected school division for				
33	such students. Therefore, local school divisions are encouraged to provide the appropriate				
34	portion of the basic aid per pupil funding to the Governor's Schools for students attending these				
35	programs, adjusted for costs incurred by the school division for transportation, administration,				
36	and any portion of the day that the student does not attend a Governor's School.				
37	2) Students attending a revolving Academic Year Governor's School program for only one				
38	semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only				
39	fifty percent of the full-year funded per pupil amount. Funding for students attending a				
40	revolving Academic Year program will be adjusted based upon actual September 30th and				
41	January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall				
42	mean Academic Year Governor's School programs that admit students on a semester basis.				
43	3) Students attending a continuous, non-revolving Academic Year Governor's School program				
44	shall be counted as a full-time equivalent student and will be funded for the full-year funded				
45	per pupil amount. Funding for students attending a continuous, non-revolving Academic Year				
46	Governor's School program will be adjusted based upon actual September 30th student				
47	enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs				
48	shall mean Academic Year Governor's School programs that only admit students at the				
49	beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil				
50	funding for the Thomas Jefferson Governor's School below the amounts appropriated for the				
51	2003-2004 school year.				
52	28. School Nutrition Payments				
53	It is provided that, subject to implementation by the Superintendent of Public Instruction, no				
54	disbursement shall be made out of the appropriation for school nutrition to any locality in				
55	which the schools permit the sale of competitive foods in food service facilities or areas during				

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	the time of service of food funded pursuant to this Item.				
2	29. School Breakfast Payments				
3	a. Out of this appropriation, \$2,497,421 the first year and \$2,935,937 \$2,891,423 the second				
4	year from the Lottery Proceeds Fund is included for the purpose of establishing a state funded				
5	incentive program to maximize federal school nutrition revenues and increase student				
6	participation in the school breakfast program. These funds are available to any school division				
7	as a reimbursement for breakfast meals served that are in excess of the baseline established by				
8	the Department of Education. The per meal reimbursement shall be \$0.22; however, the				
9	department is authorized, but not required to reduce this amount proportionately in the event				
10	that the actual number of meals to be reimbursed exceeds the number on which this				
11	appropriation is based so that this appropriation is not exceeded.				
12	b. In order to receive these funds, school divisions must certify that these funds will be used to				
13	supplement existing funds provided by the local governing body and that local funds derived				
14	from sources that are not generated by the school nutrition programs have not been reduced or				
15	eliminated. The funds shall be used to improve student participation in the school breakfast				
16	program. These efforts may include, but are not limited to, reducing the per meal price paid by				
17	students, reducing competitive food sales in order to improve the quality of nutritional offerings				
18	in schools, increasing access to the school breakfast program, or providing programs to increase				
19	parent and student knowledge of good nutritional practices. In no event shall these funds be				
20	used to reduce local tax revenues below the level appropriated to school nutrition programs in				
21	the prior year. Further, these funds must be provided to the school nutrition programs and may				
22	not be used for any other school purpose.				
23	30. Clinical Faculty and Mentor Teacher Program Payments				
24	This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the				
25	Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher				
26	Programs to assist pre-service teachers and beginning teachers to make a successful transition				
27	into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750				
28	the second year from the general fund for Clinical Faculty programs to assist pre-service				
29	teachers and beginning teachers to make a successful transition into full-time teaching. Such				
30	programs shall include elements which are consistent with the following:				
31	a. An application process for localities and school/higher education partnerships that wish to				
32	participate in the programs;				
33	b. For Clinical Faculty programs only, provisions for a local funding or institutional				
34	commitment of 50 percent, to match state grants of 50 percent;				
35	c. Program plans which include a description of the criteria for selection of clinical faculty and				
36	mentor teachers, training, support, and compensation for clinical faculty and mentor teachers,				
37	collaboration between the school division and institutions of higher education, the clinical				
38	faculty and mentor teacher assignment process, and a process for evaluation of the programs;				
39	d. The Department of Education shall allow flexibility to local school divisions and higher				
40	education institutions regarding compensation for clinical faculty and mentor teachers consistent				
41	with these elements of the programs; and				
42	e. It is the intent of the General Assembly that no preference between pre-service or beginning				
43	teacher programs be construed by the language in this Item. School divisions operating				
44	beginning teacher mentor programs shall receive equal consideration for funding.				
45	31. Career Switcher/Alternative Licensure Payments				
46	Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from				
47	the general fund to provide grants to school divisions that employ mentor teachers for new				
48	teachers entering the profession through the alternative route to licensure as prescribed by the				
49	Board of Education.				
50	32. Composite Index Hold Harmless				

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Out of this appropriation, \$88,349,513 from the general fund and \$19,772,510 from the Lottery				
2	Proceeds Fund shall be used in the first year to provide hold harmless grants, for the loss in				
3	House Bill 1500/Senate Bill 800 as introduced in the 2011 General Assembly Session related				
4	to the change in the 2010-12 Composite Index of Local Ability-to-Pay, to the following school				
5	divisions as specified below.				
6	Division	FY 2011	FY 2012		
7	Accomack	\$3,227	\$0		
8	Albemarle	\$4,764,870	\$0		
9	Amelia	\$297,194	\$0		
10	Amherst	\$60,109	\$0		
11	Appomattox	\$425,139	\$0		
12	Augusta	\$685,060	\$0		
13	Bedford	\$3,020,106	\$0		
14	Bland	\$62,632	\$0		
15	Botetourt	\$207,021	\$0		
16	Brunswick	\$173,041	\$0		
17	Buchanan	\$52,623	\$0		
18	Buckingham	\$434,828	\$0		
19	Campbell	\$699,099	\$0		
20	Carroll	\$277,922	\$0		
21	CharlesCity	\$25,231	\$0		
22	Charlotte	\$372,327	\$0		
23	Chesterfield	\$3,337,388	\$0		
24	Craig	\$50,307	\$0		
25	Cumberland	\$185,603	\$0		
26	Dinwiddie	\$460,183	\$0		
27	Essex	\$896,203	\$0		
28	Floyd	\$301,200	\$0		
29	Fluvanna	\$399,009	\$0		
30	Franklin	\$550,951	\$0		
31	Giles	\$120,083	\$0		
32	Gloucester	\$794,421	\$0		
33	Grayson	\$747,477	\$0		
34	Greene	\$508,202	\$0		
35	Greensville	\$105,247	\$0		
36	Halifax	\$1,367,177	\$0		
37	Hanover	\$756,185	\$0		
38	Henrico	\$1,416,474	\$0		
39	Henry	\$53,507	\$0		
40	Highland	\$86,275	\$0		
41	Isle Of Wight	\$716,933	\$0		
42	JamesCity	\$2,104,293	\$0		
43	King Queen	\$289,131	\$0		
44	King William	\$490,641	\$0		
45	Lancaster	\$134,490	\$0		
46	Lee	\$350,489	\$0		
47	Lunenburg	\$185,536	\$0		
48	Madison	\$349,894	\$0		
49	Mathews	\$389,874	\$0		
50	Mecklenburg	\$1,399,422	\$0		
51	Middlesex	\$469,293	\$0		
52	Montgomery	\$288,685	\$0		
53	Nelson	\$29,717	\$0		
54	NewKent	\$382,089	\$0		
55	Northumberland	\$602,435	\$0		
56	Nottoway	\$478,065	\$0		
57	Patrick	\$73,353	\$0		
58	Pittsylvania	\$858,632	\$0		
59	Powhatan	\$434,999	\$0		
60	Prince Edward	\$505,466	\$0		
61	Prince George	\$596,670	\$0		
62	Pulaski	\$394,360	\$0		
63	Richmond	\$136,026	\$0		

ITEM 132.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Roanoke	\$850,081		\$0		
2	Rockbridge	\$479,382		\$0		
3	Rockingham	\$1,810,982		\$0		
4	Russell	\$101,658		\$0		
5	Smyth	\$234,606		\$0		
6	Southampton	\$570,264		\$0		
7	Surry	\$191,112		\$0		
8	Sussex	\$366,849		\$0		
9	Tazewell	\$650,056		\$0		
10	Wise	\$325,964		\$0		
11	Wythe	\$516,953		\$0		
12	York	\$637,238		\$0		
13	Buena Vista	\$7,377		\$0		
14	Charlottesville	\$1,149,326		\$0		
15	Colonial Heights	\$228,936		\$0		
16	Danville	\$306,982		\$0		
17	Galax	\$58,365		\$0		
18	Hampton	\$4,197,169		\$0		
19	Harrisonburg	\$107,034		\$0		
20	Hopewell	\$124,485		\$0		
21	Lynchburg	\$1,574,167		\$0		
22	Martinsville	\$19,231		\$0		
23	Newport News	\$4,339,173		\$0		
24	Norfolk	\$8,306,660		\$0		
25	Petersburg	\$699,085		\$0		
26	Portsmouth	\$3,553,547		\$0		
27	Radford	\$368,932		\$0		
28	RichmondCity	\$10,104,390		\$0		
29	RoanokeCity	\$1,302,013		\$0		
30	Staunton	\$275,588		\$0		
31	Suffolk	\$3,787,369		\$0		
32	Virginia Beach	\$13,776,652		\$0		
33	Waynesboro	\$487,129		\$0		
34	FranklinCity	\$311,213		\$0		
35	Chesapeake	\$10,123,045		\$0		
36	Lexington	201,417		\$0		
37	Emporia	\$19,790		\$0		
38	BedfordCity	\$81,242		\$0		
39	Poquoson	\$408,014		\$0		
40	West Point	\$111,733		\$0		
41	Total Hold Harmless	\$108,122,023		\$0		
42	33. Second Year Composite Index Hold Harmless Supplement					
43	Out of this appropriation, \$14,560,612 the second year from the general fund and					
44	\$2,000,000 \$16,560,612 the second year from the Lottery Proceeds Fund shall be used to					
45	provide remaining partial hold harmless one-time grants related to the change in the 2010-12					
46	Composite Index to the following school divisions specified below.					
47	Albemarle		\$1,927,410			
48	Amelia		\$1,625			
49	Appomattox		\$11,358			
50	BedfordCounty		\$796,942			
51	Buckingham		\$40,974			
52	Essex		\$356,561			
53	Grayson		\$206,625			
54	Greene		\$23,500			
55	Halifax		\$167,637			
56	Highland		\$36,801			
57	JamesCity		\$531,437			
58	King & Queen		\$92,992			
59	King William		\$61,216			
60	Lancaster		\$34,290			
61	Madison		\$65,727			

ITEM 132.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Mathews		\$129,385		
2	Mecklenburg		\$310,204		
3	Middlesex		\$195,189		
4	Northumberland		\$268,132		
5	Nottoway		\$35,688		
6	Prince Edward		\$38,889		
7	Rockbridge		\$80,744		
8	Southampton		\$39,834		
9	Surry		\$58,326		
10	Sussex		\$81,328		
11	Charlottesville		\$415,542		
12	Hampton		\$172,547		
13	Lynchburg		\$127,727		
14	Norfolk		\$1,406,251		
15	Portsmouth		\$431,705		
16	Radford		\$56,639		
17	RichmondCity		\$3,863,563		
18	Suffolk		\$750,378		
19	Virginia Beach		\$1,720,723		
20	FranklinCity		\$51,323		
21	Chesapeake		\$1,899,111		
22	Lexington		\$58,672		
23	Poquoson		\$13,617		
24	Total Hold Harmless		\$16,560,612		
25	34. Performance Pay Pilots				
26	Out of this appropriation, \$3,000,000 the second year from the general fund shall be used to				
27	provide competitive grants to school divisions to pilot models for awarding performance pay				
28	for instructional personnel in hard-to-staff schools as determined by the Department of				
29	Education. School divisions interested in submitting proposals for competitive grants must				
30	outline clearly-defined performance objectives. A significant component of the performance				
31	evaluation must include measureable and appropriate achievement goals for student progress,				
32	including the state-provided growth measure when available. School division grant proposals				
33	are due to the Department of Education no later than June 15, 2011.				
34	35. Supplemental Support for School Operating Costs				
35	Out of this appropriation an estimated \$87,693,820 \$70,210,396 the second year from the				
36	general fund <i>and \$17,479,966 the second year from the Lottery Proceeds Fund</i> shall be				
37	disbursed by the Department of Education to local school divisions for use solely for				
38	educational purposes based on the state's share of \$129.62 per pupil. This allocation is a				
39	one-time supplemental payment and these funds shall be matched by the local government,				
40	based on the composite index of local ability-to-pay.				
41	133. Not set out.				
42	Total for Direct Aid to Public Education			\$6,248,352,072	\$6,355,056,968
43					\$6,334,614,615
44	Fund Sources: General	\$4,713,346,558	\$4,951,806,340		
45			\$4,912,838,987		
46	Special	\$795,000	\$795,000		
47	Commonwealth Transportation	\$2,173,000	\$2,173,000		
48	Trust and Agency	\$575,004,100	\$566,190,528		
49			\$584,715,528		
50	Federal Trust.....	\$957,033,414	\$834,092,100		
51	Virginia School for the Deaf and the Blind (218)				
52	134. Not set out.				
53	135. Not set out.				

ITEM 135.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	136.	Administrative and Support Services (19900).....		\$1,197,879	\$1,222,879
2		General Management and Direction (19901).....		\$1,197,879	\$1,222,879
3		Fund Sources: General.....		\$1,172,879	\$1,172,879
4		Special.....		\$25,000	\$25,000
5		Federal Trust.....		\$0	\$25,000
6		Authority: Title 22.1, Chapter 19, Code of Virginia.			
7		A. It is the intention of the General Assembly that student enrollment will remain at the			
8		October 9, 2008, level.			
9		B. Notwithstanding any other provision of law, the Virginia School for the Deaf and Blind is			
10		authorized to retain the income generated by the rental of facilities on the Staunton campus to			
11		outside entities.			
12		Total for Virginia School for the Deaf and the Blind		\$10,303,198	\$10,308,198
13		General Fund Positions.....		180.50	180.50
14		Position Level		180.50	180.50
15		Fund Sources: General.....		\$9,065,858	\$9,070,858
16		Special.....		\$350,000	\$350,000
17		Federal Trust.....		\$887,340	\$887,340
18		Grand Total for Department of Education, Central			
19		Office Operations		\$6,353,615,831	\$6,459,787,215
20					\$6,439,344,862
21		General Fund Positions.....		320.00	316.50
22		Nongeneral Fund Positions.....		177.50	178.50
23		Position Level		497.50	495.00
24		Fund Sources: General.....		\$4,772,295,599	\$5,010,221,869
25					\$4,971,254,516
26		Special.....		\$7,625,419	\$7,625,419
27		Commonwealth Transportation		\$2,413,942	\$2,413,942
28		Trust and Agency		\$575,283,763	\$566,470,191
29					\$584,995,191
30		Federal Trust.....		\$995,997,108	\$873,055,794
31	137.	Not set out.			
32	138.	Not set out.			
33	139.	Not set out.			
34	140.	Not set out.			
35	141.	Not set out.			
36	142.	Not set out.			
37	143.	Not set out.			
38	144.	Not set out.			
39	145.	Not set out.			
40	146.	Not set out.			
41	147.	Not set out.			
42	148.	Not set out.			

ITEM 149.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	149.	Not set out.				
2	150.	Not set out.				
3	151.	Not set out.				
4	152.	Not set out.				
5	153.	Not set out.				
6	154.	Not set out.				
7	155.	Not set out.				
8	156.	Not set out.				
9	157.	Not set out.				
10	158.	Not set out.				
11	159.	Not set out.				
12	160.	Not set out.				
13	161.	Not set out.				
14	162.	Not set out.				
15	163.	Not set out.				
16	164.	Not set out.				
17	165.	Not set out.				
18	166.	Not set out.				
19	167.	Not set out.				
20	168.	Not set out.				
21	169.	Not set out.				
22	170.	Not set out.				
23	171.	Not set out.				
24	172.	Not set out.				
25	173.	Not set out.				
26	174.	Not set out.				
27	175.	Not set out.				
28	176.	Not set out.				
29	177.	Not set out.				
30	178.	Not set out.				
31	179.	Not set out.				
32	180.	Not set out.				

ITEM 181.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	181.	Not set out.				
2	182.	Not set out.				
3	183.	Not set out.				
4	184.	Not set out.				
5	184.10.	Not set out.				
6	185.	Not set out.				
7	186.	Not set out.				
8	187.	Not set out.				
9	188.	Not set out.				
10	189.	Not set out.				
11	190.	Not set out.				
12	191.	Not set out.				
13	192.	Not set out.				
14	193.	Not set out.				
15	194.	Not set out.				
16	195.	Not set out.				
17	196.	Not set out.				
18	197.	Not set out.				
19	198.	Not set out.				
20	199.	Not set out.				
21	200.	Not set out.				
22	201.	Not set out.				
23	202.	Not set out.				
24	203.	Not set out.				
25	204.	Not set out.				
26	205.	Not set out.				
27	206.	Not set out.				
28	207.	Not set out.				
29	208.	Not set out.				
30	209.	Not set out.				
31	210.	Not set out.				
32	211.	Not set out.				

ITEM 212.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	212.	Not set out.				
2	213.	Not set out.				
3	214.	Not set out.				
4	215.	Not set out.				
5	216.	Not set out.				
6	217.	Not set out.				
7	218.	Not set out.				
8	219.	Not set out.				
9	220.	Not set out.				
10	221.	Not set out.				
11	222.	Not set out.				
12	223.	Not set out.				
13	224.	Not set out.				
14	225.	Not set out.				
15	226.	Not set out.				
16	227.	Not set out.				
17	228.	Not set out.				
18	229.	Not set out.				
19	230.	Not set out.				
20	231.	Not set out.				
21	232.	Not set out.				
22	§ 1-11. VIRGINIA COMMISSION FOR THE ARTS (148)					
23	233.	Not set out.				
24	234.	Museum and Cultural Services (14500)			\$532,137	\$532,137
25						\$582,492
26		Operational and Support Services (14507)	\$532,137	\$532,137		
27				\$582,492		
28		Fund Sources: General	\$432,439	\$432,439		
29				\$482,794		
30		Special	\$15,000	\$15,000		
31		Federal Trust	\$84,698	\$84,698		
32		Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
33		Total for Virginia Commission for the Arts			\$4,658,186	\$4,658,186
34						\$4,708,541
35		General Fund Positions	5.00	5.00		
36		Position Level	5.00	5.00		

ITEM 234.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Fund Sources: General.....	\$3,794,813	\$3,794,813		
2			\$3,845,168		
3	Special.....	\$50,000	\$50,000		
4	Dedicated Special Revenue.....	\$8,000	\$8,000		
5	Federal Trust.....	\$805,373	\$805,373		
6	235. Not set out.				
7	236. Not set out.				
8	237. Not set out.				
9	238. Not set out.				
10	239. Not set out.				
11	240. Not set out.				
12	241. Not set out.				
13	242. Not set out.				
14	243. Not set out.				
15	244. Not set out.				
16	§ 1-12. VIRGINIA COLLEGE BUILDING AUTHORITY (941)				
17	245. Authority: Chapter 597, Acts of Assembly of 1986.				
18	A.1. The purpose of this Item is to provide an ongoing program for the acquisition and replacement of instructional and research equipment at state-supported institutions of higher education in accordance with the intent and purpose of Chapter 597, Acts of Assembly of 1986.				
19					
20					
21					
22	2. Debt service payments required to support equipment purchases are appropriated in Item 271 for the Treasury Board. Within the appropriation of the Treasury Board is debt service totaling \$53,965,798 from the general fund and \$4,842,602 from nongeneral funds the first year and \$41,017,323 from the general fund and \$4,842,602 from nongeneral funds the second year.				
23					
24					
25					
26	3. The Treasury Board shall transfer on July 1 of each fiscal year the required lease payment amounts to the Virginia College Building Authority. Failure to transfer the required amounts will result in the Authority defaulting on its debt obligations.				
27					
28					
29	4. The Governor shall annually present to the General Assembly through the Commonwealth's budget process, the estimated amount of lease payments and the corresponding total value of equipment to be acquired.				
30					
31					
32	B.1. The State Council of Higher Education for Virginia shall establish and maintain procedures through which institutions of higher education apply for allocations made available under the program, and shall develop guidelines and recommendations for the apportionment of such equipment to each state-supported institution of higher education.				
33					
34					
35					
36	2. The Authority shall finance equipment for educational institutions in accordance with § 23-30.28, Code of Virginia, and according to terms and conditions approved through the Commonwealth's budget and appropriation process. Bonds or notes issued by the Virginia College Building Authority to finance equipment may be sold and issued at the same time with other obligations of the Authority as separate issues or as a combined issue. Each institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions are necessary when the General Assembly is not in session, the Governor may approve such acquisitions. The Governor shall report his approval of such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.				
37					
38					
39					
40					
41					
42					
43					
44					
45					

ITEM 245.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

3. Amounts for debt service payments for allocations provided by this Item shall be provided pursuant to Item 271 of this act.

C.1. Transfer of the appropriation in Item 271 of this act to the Virginia College Building Authority shall be subject to the approval of the Secretary of Finance. An allocation of ~~\$116,798,956~~ \$109,201,944 made in the 2008-2010 biennium brings the total amount of equipment acquired through the program to approximately \$918,108,405.

2. Allocations of ~~\$56,052,693~~ \$56,100,973 the first year and ~~\$56,052,693~~ \$56,100,973 the second year will be made to support the purchase of additional equipment to enhance instructional and research activity at Virginia's public colleges and universities. Allocations are as follows:

Institution	Prior Allocations	FY 2011 Allocation	FY 2012 Allocation	FY 2011 Research Allocation	FY 2012 Research Allocation
George Mason University	\$61,887,930	\$3,181,598	\$3,181,598	\$145,000	\$145,000
Old Dominion University	\$61,509,757	\$4,043,427	\$4,043,427	\$135,000	\$135,000
University of Virginia	\$156,778,485	\$8,430,318	\$8,430,318	\$1,970,000	\$1,970,000
Virginia Commonwealth University	\$112,868,535	\$5,524,380	\$5,524,380	\$1,190,000	\$1,190,000
Virginia Polytechnic Institute and State University	\$168,474,629	\$8,328,077	\$8,328,077	\$2,295,000	\$2,295,000
College of William and Mary	\$29,989,310	\$1,854,370	\$1,854,370	\$250,000	\$250,000
Christopher Newport University	\$9,609,341	\$608,154	\$608,154	\$0	\$0
University of Virginia's College at Wise	\$3,872,095	\$202,068	\$202,068	\$0	\$0
James Madison University	\$31,600,823	\$1,861,748	\$1,861,748	\$0	\$0
Longwood University	\$9,694,986	\$599,263	\$599,263	\$0	\$0
University of Mary Washington	\$12,079,325	\$528,581	\$528,581	\$0	\$0
Norfolk State University	\$19,714,999	\$967,377	\$967,377	\$0	\$0
Radford University	\$21,902,001	\$1,406,595	\$1,406,595	\$0	\$0
Virginia Military Institute	\$11,066,288	\$714,250	\$714,250	\$0	\$0
Virginia State University	\$16,772,939	\$1,081,905	\$1,081,905	\$0	\$0
Richard Bland College	\$2,297,815	\$129,092	\$129,092	\$0	\$0
Virginia Community College System	\$176,880,898	\$9,765,909	\$9,765,909	\$0	\$0
Virginia Institute of Marine Science	\$5,369,951	\$410,699	\$410,699	\$25,000	\$25,000
Southwest Virginia Higher Education Center	\$903,910	\$64,575	\$64,575	\$0	\$0
Roanoke Higher Education Authority	\$607,490	\$62,570	\$62,570	\$0	\$0
Institute for Advanced Learning and Research	\$4,101,898	\$221,003	\$221,003	\$0	\$0
Southern Virginia Higher Education Center	\$50,000	\$30,013	\$30,013	\$0	\$0
New College Institute	\$75,000	\$75,000	\$75,000	\$0	\$0

ITEM 245.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	TOTAL	\$918,108,405	\$50,042,693	\$50,042,693	\$6,010,000
2			\$50,090,973	\$50,090,973	\$6,010,000
3					
4	Total for Virginia College Building Authority.....			\$0	\$0
5	TOTAL FOR OFFICE OF EDUCATION.....			\$14,983,308,111	\$15,035,133,105
6					\$15,014,741,107
7	General Fund Positions.....	18,353.16	18,399.75		
8	Nongeneral Fund Positions.....	35,441.74	35,687.85		
9	Position Level	53,794.90	54,087.60		
10	Fund Sources: General	\$6,463,124,125	\$6,626,362,261		
11			\$6,587,445,263		
12	Special.....	\$42,871,398	\$43,037,784		
13	Higher Education Operating.....	\$6,630,261,913	\$6,643,845,637		
14	Commonwealth Transportation	\$2,413,942	\$2,413,942		
15	Enterprise	\$0	\$5,200,000		
16	Internal Service.....	\$0	\$290,000		
17	Trust and Agency	\$575,583,763	\$566,770,191		
18			\$585,295,191		
19	Debt Service.....	\$246,202,368	\$249,495,897		
20	Dedicated Special Revenue	\$11,400,376	\$7,969,457		
21	Federal Trust.....	\$1,011,450,226	\$889,747,936		

ITEM 246.		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2011	FY2012	FY2011	FY2012
1	OFFICE OF FINANCE				
2	246.	Not set out.			
3	§ 1-13. DEPARTMENT OF ACCOUNTS (151)				
4	247.	Not set out.			
5	248.	Not set out.			
6	249.	Service Center Administration (82600)		a sum sufficient	
7	Fund Sources: General		a sum sufficient		
8	Internal Service		a sum sufficient		
9	Authority: Title 2.2, Chapter 8, Code of Virginia.				
10	A. Amounts for the Payroll Service Bureau represent an internal service fund derived from				
11	charges to agencies for services. The estimated cost for this internal service fund is \$1,758,038				
12	the first year and \$1,758,038 \$1,894,952 the second year.				
13	B.1. The Department of Accounts shall operate the payroll service center to support the salaried				
14	and wage employees of all agencies identified by the Department of Planning and Budget. The				
15	agencies so identified shall cooperate with the Department of Accounts in transferring such				
16	records and functions as may be required. The payroll service center shall provide services to				
17	employees to include, but not be limited to, payroll, benefit enrollment and leave accounting.				
18	The Department of Accounts shall be responsible for all accounting reconciliations for these				
19	services; however, each employing agency shall remain fully responsible for certifying the				
20	accuracy of each payroll paid to its employees. This certification shall be in such form as the				
21	State Comptroller directs.				
22	2. The Department of Accounts shall recover the cost of services provided by the payroll				
23	service center through interagency transactions as determined by the State Comptroller.				
24	C.1. The Department of Accounts shall operate a fiscal service center to support the operations				
25	of all agencies identified by the Department of Planning and Budget. The agencies so identified				
26	shall cooperate with the Department of Accounts in transferring such records and functions as				
27	may be required. The service center shall provide services to agencies to include accounts				
28	payable processing, travel voucher processing, related reconciliations, and such other fiscal				
29	services as may be appropriate.				
30	2. The Department of Accounts shall recover the cost of services provided by the fiscal service				
31	center through interagency transactions as determined by the State Comptroller.				
32	3. The Department of Accounts is authorized to charge fees of up to twenty percent of				
33	revenues generated pursuant to non-tax debt collection initiatives to pay the administrative costs				
34	of supporting such initiatives. These fees are over and above any fees charged by outside				
35	collections contractors and/or enhanced collection revenues deposited to the Virginia				
36	Technology Infrastructure Fund pursuant to Item 433 B.1. of this act.				
37	D. Nothing in this section shall prohibit additional agencies from using the services of the				
38	centers; however, such additions shall be subject to approval by the affected cabinet secretary				
39	and the Secretary of Finance.				
40	250.	Financial Assistance, Health Research (40700)		\$1,049,187	\$1,049,187
41	Financial Assistance for Health Research (40700)				
42	Health Research Grant Administration Services (40701) .		\$1,049,187	\$1,049,187	
43	Fund Sources: Dedicated Special Revenue		\$1,049,187	\$1,049,187	
44	Authority: Title 2.2, Chapter 8, Code of Virginia.				

ITEM 250.		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2011	FY2012	FY2011	FY2012
1	The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth				
2	Health Research Board, funds received from the Virginia Retirement System pursuant to				
3	§ 23-284, Code of Virginia.				
4	250.10.	Information Systems Management and Direction			
5	(71100)			a sum	sufficient
6	Fund Sources: Internal Service.....		a sum	sufficient	
7	Authority: Title 2.2 Chapter 8, Code of Virginia				
8	A1. Amounts for the Financial Oversight for Enterprise Applications represent an internal				
9	service fund derived from charges to agencies for the ongoing operating costs of the				
10	Commonwealth’s enterprise applications. The estimated cost for this internal service fund is				
11	\$490,947 \$1,700,594 in FY 2012. The State Comptroller shall establish a fund entitled the				
12	Enterprise Applications Internal Service Fund. All users of the Commonwealth’s enterprise				
13	applications shall be assessed a surcharge based on licenses, transactions, or other meaningful				
14	identifier, as determined by the Secretary of Finance and the owner of the enterprise				
15	application, which shall be deposited in the fund. Additionally, the State Comptroller shall				
16	recover the cost of services provided for the administration of the fund through interagency				
17	transactions as determined by the State Comptroller.				
18	2. By September 1 of each year, the State Comptroller shall submit revised projections of				
19	revenues and expenditures for the internal service fund and estimates of any anticipated				
20	changes to fee schedules to the Joint Legislative Audit and Review Commission. Upon				
21	approval by the Joint Legislative Audit and Review Commission, the changes can be				
22	considered for inclusion in the executive budget submitted to the General Assembly pursuant to				
23	§ 2.2-1508, Code of Virginia. In emergency circumstances, deviations from this schedule may				
24	be approved by the Joint Legislative Audit and Review Commission to prevent interruption of				
25	enterprise applications services.				
26	3. In the event that expenses for the ongoing operations and maintenance of the enterprise				
27	applications become due before costs have been fully recovered in the department’s internal				
28	service fund, a treasury loan shall be provided to the department to finance these costs. This				
29	treasury loan shall be repaid from the proceeds collected in the fund.				
30	251.	Not set out.			
31	252.	Not set out.			
32	253.	Not set out.			
33	254.	Not set out.			
34	Total for Department of Accounts			\$11,749,398	\$11,851,424
35	General Fund Positions.....		102.00	102.00	
36	Nongeneral Fund Positions.....		22.00	22.00	
37	Position Level		124.00	124.00	
38	Fund Sources: General		\$10,100,568	\$9,998,542	
39	Special		\$599,643	\$803,695	
40	Dedicated Special Revenue.....		\$1,049,187	\$1,049,187	
41	Department of Accounts Transfer Payments (162)				
42	255.	Financial Assistance to Localities - General (72800)			
43	a sum sufficient, estimated at			\$36,405,000	\$60,504,000
44					\$60,210,000
45	Distribution of Rolling Stock Taxes (72806)		\$6,200,000	\$6,200,000	
46				\$5,900,000	
47	Distribution of Recordation Taxes (72808)		\$28,000,000	\$52,000,000	

ITEM 255.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Distribution of Sales Tax Revenues From Certain				
2	Public Facilities (72811).....	\$1,040,000	\$1,040,000		
3	Distribution of Tennessee Valley Authority Payments				
4	in Lieu of Taxes (72812).....	\$1,165,000	\$1,264,000		
5			\$1,270,000		
6	Fund Sources: General.....	\$36,405,000	\$60,504,000		
7			\$60,210,000		
8	Authority: §§ 4.1-116, 4.1-117, 4.1-235, 15.2-5814, 15.2-5914, 58.1-608.3, 58.1-815.1,				
9	58.1-816, 58.1-2658.1, and 58.1-3406, Code of Virginia.				
10	A. Out of this appropriation, amounts estimated at \$8,000,000 the first year and \$32,000,000				
11	the second year, a total of \$40,000,000 for the biennium, from the general fund shall be				
12	deposited into the Northern Virginia Transportation District Fund, as provided in §58.1-815.1,				
13	Code of Virginia. Said amount shall consist of recordation taxes attributable to and transferable				
14	to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the				
15	counties of Arlington, Fairfax, Loudoun, and Prince William, pursuant to § 58.1-816, Code of				
16	Virginia. This amount shall be transferred to Item 456 of this act and shall be used to support				
17	the Northern Virginia Transportation District Program as defined in § 33.1-221.1:3, Code of				
18	Virginia. The Commonwealth Transportation Board shall make such allocations and				
19	expenditures from the Fund as are provided in the Northern Virginia Transportation District,				
20	Commonwealth of Virginia Revenue Bond Act of 1993 (Chapter 391, Acts of Assembly of				
21	1993). The Commonwealth Transportation Board also shall make such allocations and				
22	expenditures from the fund as are provided in Chapters 470 and 597 of the Acts of Assembly				
23	of 1994 (amendments to Chapter 391, Acts of Assembly of 1993).				
24	B. Pursuant to Chapters 233 and 662 of the Acts of Assembly of 1994, out of this				
25	appropriation, an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year				
26	from the general fund shall be deposited into the Set-aside Fund as requested in an ordinance				
27	adopted March 28, 1995, and in compliance with the requirements provided for in § 58.1-816.1,				
28	Code of Virginia, for an account for the City of Chesapeake. These amounts shall be				
29	transferred to Item 456 of this act and shall be allocated by the Commonwealth Transportation				
30	Board to provide for the debt service pursuant to the Oak Grove Connector, City of				
31	Chesapeake, Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994				
32	(Chapters 233 and 662, Acts of Assembly of 1994).				
33	C. There is hereby appropriated for payment to the Virginia Baseball Stadium Authority from				
34	the program Financial Assistance to Localities - General a sum sufficient equal to the state				
35	personal, corporate, and pass-through entity income and sales and use tax revenues to which				
36	the Authority is entitled.				
37	256. Revenue Stabilization Fund (73500).....			\$0	\$114,000,000
38	Payments to the Revenue Stabilization Fund (73501).....	\$0	\$114,000,000		
39	Fund Sources: General.....	\$0	\$114,000,000		
40	Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.				
41	A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the				
42	General Assembly the certified tax revenues collected in the most recently ended fiscal year.				
43	The Auditor shall, at the same time, provide his report on the 10 percent limitation and the				
44	amount that could be paid into the Fund in order to satisfy the mandatory deposit requirement				
45	of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit				
46	requirement of § 2.2-1829, Code of Virginia.				
47	B. Out of the appropriation in the second year, \$114,000,000 shall be reserved by the State				
48	Comptroller on June 30, 2012, as a reserve for any potential deposit required to be made to the				
49	Revenue Stabilization Fund attributable for tax collections for fiscal year 2011, pursuant to				
50	§ 2.2-1829, Code of Virginia. This appropriation is subject to the following conditions: 1) if				
51	the Auditor of Public Accounts' certification of the required deposit attributable to actual tax				
52	collections for fiscal year 2011 exceeds the amount included in this item, the incremental				
53	amount required to meet the actual required deposit as certified by the Auditor of Public				
54	Accounts shall be deposited into the Revenue Stabilization Fund on or before June 30, 2013; or				

ITEM 256.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	2) in the event the Auditor of Public Accounts' certification of the required deposit attributable				
2	to actual tax collections for fiscal year 2011 is less than the amount included in this item; any				
3	amount in excess of the amount needed to meet the actual required deposit shall remain in the				
4	general fund and not be deposited to the Revenue Stabilization Fund.				
5	257. Not set out.				
6	258. Line of Duty (76000).....			\$9,458,131	\$9,458,131
7	Death Benefit Payments Under the Line of Duty Act				
8	(76001)	\$525,000	\$525,000		
9	Health Insurance Benefit Payments Under the Line of				
10	Duty Act (76002).....	\$8,933,131	\$8,933,131		
11	Fund Sources: Trust and Agency	\$9,458,131	\$9,458,131		
12	Authority: Title 9.1, Chapter 4, Code of Virginia.				
13	A. In addition to such other payments as may be available, the full cost of group health				
14	insurance, net of any deductions and credits, for the surviving spouses and dependents of				
15	certain public safety officers killed in the line of duty and for certain public safety officers				
16	disabled in the line of duty, and the spouses and dependents of such disabled officers, are				
17	payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia.				
18	B.1. There is hereby established the Line of Duty Act Fund (the Fund) for the payment of				
19	benefits prescribed by and administered under the Line of Duty Act. The funds of the Line of				
20	Duty Act Fund shall be deemed separate and independent trust funds, shall be segregated and				
21	accounted for separately from all other funds of the Commonwealth, and shall be invested and				
22	administered solely in the interests of the covered employees and beneficiaries thereof. Neither				
23	the General Assembly nor any public officer, employee, or agency shall use or authorize the				
24	use of the Fund for any purpose other than as provided in law for benefits and administrative				
25	expenses. Fund deposits are irrevocable and are not subject to the claims of creditors. In				
26	addition to other such powers as shall be vested in the Board, the Board shall have the full				
27	power to invest, reinvest and manage assets of the Fund in accordance with Article 3.1				
28	(§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1, and no officer, director, or member of the				
29	Board or of any advisory committee of the Retirement System or any of its tax exempt				
30	subsidiary corporations whose actions are within the standard of care in Article 3.1 of Chapter				
31	1 of Title 51.1 shall be held personally liable for losses suffered by the Fund on investments				
32	made under the authority of this article. The Board is authorized to establish loans to the Fund				
33	from the Group Life program in such amounts and under such terms as may be established by				
34	the Board. Beginning on July 1, 2010, and not to extend past June 30, 2012, the Virginia				
35	Retirement System shall advance funds as may be needed for the initial capitalization and				
36	ongoing expenses of the Fund from fund balances of the Group Life program. The Fund shall				
37	reimburse the Retirement System for all reasonable costs incurred and associated, directly and				
38	indirectly, with the administration, management and investment of the Fund.				
39	2. Definitions. As used in this item:				
40	"Board" means the Board of Trustees of the Virginia Retirement System.				
41	"Covered employee" means any employee, sheriff, deputy sheriff, or volunteer of a				
42	participating employer or non-participating employer eligible for coverage under the provisions				
43	of the Line of Duty Act.				
44	"Fund" means the Line of Duty Act Fund.				
45	"Line of Duty Act" means §9.1-400 et seq.				
46	"Non-participating employer" means any political subdivision making the irrevocable election,				
47	in a manner and on such forms as prescribed by the Board, to self-fund Line of Duty Act				
48	benefits under Item paragraph B.4 of this Item.				
49	"Participating employer" means any agency of the Commonwealth with covered employees and				
50	any (i) county, city, or town with covered employees that does not make the election under				
51	paragraph B.4 of this Item; or (ii) political entity, subdivision, branch, commission, public				

ITEM 258.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	authority, or body corporate, or other entity of a local government with covered employees that				
2	does not make the election under paragraph B.4 of this Item.				
3	"Retirement System" means the Virginia Retirement System.				
4	3. Payment of benefits; funding of benefits.				
5	(a) All payments for benefits provided through the Line of Duty Act shall be paid by the State				
6	Comptroller. The State Comptroller shall be reimbursed from the Fund for all benefit payments				
7	made on behalf of participating employers that, which payments have been approved by the				
8	State Comptroller. The State Comptroller shall be reimbursed on no more than a monthly basis				
9	from documentation provided to the Retirement System. Reimbursement from the Fund may				
10	include reasonable administrative expenses incurred by the Department of Accounts or the State				
11	Comptroller for administering the provisions of the Line of Duty Act.				
12	Each participating employer shall make contributions each year to the Fund in accordance with				
13	guidelines adopted by the Board. Such contributions shall be for purposes of funding benefits				
14	and administrative expenses under the Line of Duty Act. The employer contribution for each				
15	participating employer shall be determined by the Board on a current disbursement basis in				
16	accordance with the provisions of this section.				
17	b) For purposes of this item, employer contributions for coverage provided to members of the				
18	National Guard and United States military reserves on active duty shall be paid by the				
19	Commonwealth.				
20	(c) For purposes of establishing employer contribution contributions, a member of any fire				
21	company or department or rescue squad that has been recognized by an ordinance or a				
22	resolution of the governing body of any county, city, or town of the Commonwealth as an				
23	integral part of the official safety program of such county, city, or town shall be considered				
24	part of the city, county, or town served by the company, department or rescue squad. If a				
25	company, department, or rescue squad serves more than one city, county, or town, the affected				
26	cities, counties, or towns shall determine the basis and apportionment of the required covered				
27	payroll and contributions for each department, company, or rescue squad.				
28	(d) Each participating employer shall provide all required data requested by the Board to				
29	administer the Fund in a form approved by the Board.				
30	(e) In the event any participating employer fails to remit contributions or other fees and costs				
31	of the Fund as duly prescribed, the Board shall inform the State Comptroller and the				
32	participating employer of the delinquent amount. The State Comptroller shall forthwith transfer				
33	such amounts to the Fund from any moneys otherwise distributable to such participating				
34	employer.				
35	4. Irrevocable election to become non-participating employer.				
36	(a) A political subdivision with covered employees may make, in a manner and on such forms				
37	as prescribed by the Board, an irrevocable election on or before July 1, 2012, to be deemed a				
38	non-participating employer fully responsible for self-funding all benefits relating to its past and				
39	present covered employees under the Line of Duty Act from its own funds, including any				
40	responsibility apportioned to it under the provisions of paragraph 3(c) above. Non-participating				
41	employers shall continue to be subject to the provisions set forth in the Line of Duty Act.				
42	(b) A non-participating employer shall not be required to contribute to the Fund.				
43	(c) All payments for benefits provided through the Line of Duty Act shall be paid by the State				
44	Comptroller. The State Comptroller shall be reimbursed by the non-participating employer for				
45	all Line of Duty Act benefit payments made on behalf of such non-participating employer for				
46	which payments have been approved by the State Comptroller. The State Comptroller shall be				
47	reimbursed on no more than a monthly basis from documentation provided to the				
48	non-participating employer. The State Comptroller shall determine and collect from a				
49	non-participating employer an amount representing reasonable costs incurred and associated,				
50	directly and indirectly, with the administration, management and investment of the Fund.				
51	5. The Virginia Retirement System Medical Board established pursuant to § 51.1-124.23 of the				

ITEM 258.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Code of Virginia shall, upon request by the State Comptroller, make a written report of its				
2	conclusions and recommendations on matters referred to it regarding eligibility for benefits				
3	under the Line of Duty Act.				
4	C. In addition to any other benefit provided by law, an additional death benefit in the amount				
5	of \$20,000 for the surviving spouses and dependents of certain members of the National Guard				
6	and United States military reserves killed in action in any armed conflict on or after October 7,				
7	2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and				
8	Health Benefits Trust Fund. The Department of Accounts, with support from the Department				
9	of Military Affairs, shall determine eligibility for this benefit.				
10	D. For any surviving spouse of a "deceased person" or any "disabled person" as those terms				
11	are defined in § 9.1-400, who is receiving the benefits described in § 9.1-401 and who would				
12	otherwise qualify for the health insurance credit described in Chapter 14 of Title 51.1, Code of				
13	Virginia, the amount of such credit shall be calculated and reimbursed to the State Comptroller				
14	for deposit into the Line of Duty Death and Health Benefits Trust Fund from the health				
15	insurance credit trust fund, in a manner prescribed by the Board of Trustees of the Virginia				
16	Retirement System.				
17	E. A member of any fire company providing fire protection services for facilities of the				
18	Virginia National Guard or the Virginia Air National Guard shall be eligible to receive benefits				
19	according to the provisions under the Line of Duty Act, Title 9.1, Chapter 4, Code of Virginia.				
20	Funding for the inclusion of a member of any fire company providing fire protection services				
21	for facilities of the Virginia National Guard or the Virginia Air National Guard will be paid by				
22	the Department of Military Affairs out of its appropriation in Item 404 of this act.				
23	F. It is the intent of the General Assembly that expeditious payments for funeral expenses be				
24	made for persons whose death is determined to be a direct and proximate result of their				
25	performance in the line of duty. The State Comptroller is hereby authorized to release, at the				
26	request of the family of a person who may be subject to the line of duty death benefits,				
27	payments to a funeral service provider for costs directly related to funeral expenses, these				
28	payments would be advanced from the death benefit that would be due to the beneficiary of the				
29	deceased person if it is determined that the person qualifies for line of duty coverage. In the				
30	event a determination is made that the death is not subject to the line of duty benefits, the				
31	Virginia Retirement System or other retirement fund to which the deceased is a member, will				
32	deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased,				
33	payments previously paid for funeral expenses and return such funds to the State Comptroller.				
34	<i>G. The Secretaries of Finance and Public Safety and the Governor's Chief of Staff shall</i>				
35	<i>convene a work group to review the current process for determining eligibility of state and</i>				
36	<i>local Line of Duty Act recipients and the funding responsibility between the Commonwealth</i>				
37	<i>and its localities. The purpose of this study is to examine cost efficiencies and determine a fair</i>				
38	<i>and equitable division of financial responsibility for Line of Duty Act program costs. The work</i>				
39	<i>group shall consist of representatives as determined by the Secretaries of Finance and Public</i>				
40	<i>Safety and the Governor's Chief of Staff. The group shall complete its review and make</i>				
41	<i>recommendations to the Governor no later than July 1, 2012.</i>				
42	259. Not set out.				
43	259.10. Not set out.				
44	Total for Department of Accounts Transfer Payments			\$1,017,704,518	\$1,161,167,386
45					\$1,046,873,386
46	Fund Sources: General	\$986,405,000	\$1,124,504,000		
47			\$1,010,210,000		
48	Trust and Agency	\$31,299,518	\$36,663,386		
49	Grand Total for Department of Accounts.....			\$1,029,453,916	\$1,173,018,810
50					\$1,058,724,810
51	General Fund Positions.....	102.00	102.00		
52	Nongeneral Fund Positions.....	22.00	22.00		
53	Position Level	124.00	124.00		

ITEM 259.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Fund Sources: General	\$996,505,568	\$1,134,502,542		
2			\$1,020,208,542		
3	Special	\$599,643	\$803,695		
4	Trust and Agency	\$31,299,518	\$36,663,386		
5	Dedicated Special Revenue	\$1,049,187	\$1,049,187		
6	260. Not set out.				
7	§ 1-14. DEPARTMENT OF TAXATION (161)				
8	261. Not set out.				
9	262. Revenue Administration Services (73200).....			\$127,565,990	\$127,819,147
10					\$128,180,267
11	Tax Return Processing (73214).....	\$10,750,630	\$10,060,454		
12	Customer Services (73217).....	\$10,648,154	\$10,591,487		
13			\$10,952,607		
14	Compliance Audit (73218)	\$80,351,434	\$81,351,434		
15	Compliance Collections (73219)	\$25,815,772	\$25,815,772		
16	Fund Sources: General	\$49,462,586	\$48,715,743		
17			\$49,076,863		
18	Special	\$16,437,985	\$16,437,985		
19	Trust and Agency	\$652,457	\$652,457		
20	Dedicated Special Revenue	\$61,012,962	\$62,012,962		
21	Authority: Title 3.2; Title 58.1, Code of Virginia.				
22	A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to				
23	contract with private collection agencies for the collection of delinquent accounts. The State				
24	Comptroller is hereby authorized to deposit collections from such agencies into the Contract				
25	Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may				
26	be used to pay private collection agencies/attorneys and perform oversight of their operations,				
27	upgrade audit and collection systems and data interfaces, and retain experts to perform analysis				
28	of receivables and collection techniques. Any balance in the fund remaining after such				
29	payment shall be deposited into the appropriate general, nongeneral, or local fund no later than				
30	June 30 of each year.				
31	B. There is hereby appropriated, for each year of the biennium, revenues from the sales tax on				
32	fuel in certain transportation districts to cover only the direct cost of administration incurred by				
33	the department in collecting these taxes as provided by § 58.1-1724, Code of Virginia.				
34	C.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable				
35	share of any court fines and fees to reimburse the department for any ongoing operational				
36	collection expenses.				
37	2. Any form of state debt assigned to the Department of Taxation for collection may be				
38	collected by the department in the same manner and means as state taxes may be collected				
39	pursuant to Title 58.1, Chapter 18, Code of Virginia.				
40	D. The Department of Taxation is authorized to make tax incentive payments to small tobacco				
41	product manufacturers who do not participate in the 1998 Tobacco Master Settlement				
42	Agreement, pursuant to Chapter 901 of the 2005 Acts of Assembly.				
43	E. The Department of Taxation is hereby appropriated revenues from the Communications				
44	Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the				
45	department in implementing and collecting this tax as provided by § 58.1-662, Code of				
46	Virginia.				
47	F. The Tax Commissioner shall have the authority to waive penalties and grant extensions of				
48	time to file a return or pay a tax, or both, to any class of taxpayers when the Tax				
49	Commissioner in his discretion finds that the normal due date has, or would, cause undue				
50	hardship to taxpayers who were, or would be, unable to use electronic means to file a return or				
51	pay a tax because of a power or systems failure that causes the department's electronic filing or				

ITEM 262.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	payment systems to be nonfunctional for all or a portion of a day on or about the due date for				
2	a return or payment.				
3	G. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees				
4	imposed under §58.1-513 C. 2., Code of Virginia, on the transferring of the value of the				
5	donated interest. The Code of Virginia specifies such fees will be used by the Departments of				
6	Taxation and Conservation and Recreation to recover the direct cost of administration incurred				
7	in implementing the Virginia Land Conservation Act.				
8	H. In the event that the United States Congress adopts legislation allowing local governments,				
9	with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from				
10	federal income taxes, the Department of Accounts shall provide a treasury loan to the				
11	Department of Taxation to finance the costs of modifying the agency's computer systems to				
12	implement this federal debt setoff program. This treasury loan shall be repaid from the				
13	proceeds collected from the offsets of federal income taxes collected on behalf of localities by				
14	the Department of Taxation.				
15	I. There is hereby appropriated for payment to the Northern Virginia Transportation				
16	Commission and the Potomac Rappahannock Transportation Commission a sum sufficient				
17	amount of nongeneral fund revenues estimated at \$61,000,000 in the first year and \$62,000,000				
18	in the second year equal to the revenues collected pursuant to § 58.1-1720 et seq., Code of				
19	Virginia, from the additional sales tax on fuel in certain transportation districts under				
20	§ 58.1-1720 et seq., Code of Virginia. Such funds shall be returned to the respective				
21	commissions in amounts equivalent to the shares collected in the respective member				
22	jurisdictions.				
23	J. 1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is				
24	hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at				
25	\$460,000,000 in the first year and \$460,000,000 in the second year equal to the revenues				
26	collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications				
27	Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of				
28	§ 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the				
29	Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to				
30	§ 58.1-662, Code of Virginia and Item 279 of this act. For the purposes of the Comptroller's				
31	preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all				
32	deposits to and disbursements from the Fund shall be accounted for as part of the general fund				
33	of the state treasury.				
34	2. It is the intent of the General Assembly that all such revenues be distributed to counties,				
35	cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of				
36	administering the Virginia Communications Sales and Use Tax.				
37	K. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011,				
38	every employer whose average monthly liability can reasonably be expected to be \$1,000 or				
39	more and the aggregate amount required to be withheld by any employer exceeds \$500 shall				
40	file the annual report required by § 58.1-478, Code of Virginia, and all forms required by				
41	§ 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax				
42	Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this				
43	requirement creates an unreasonable burden on the employer. All requests for waiver shall be				
44	submitted to the Tax Commissioner in writing.				
45	L. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be				
46	required to mail its forms and instructions unless requested by a taxpayer or his representative.				
47	M. The Virginia Department of Taxation shall accept a fillable form through the Virginia Free				
48	File Program to allow residents of the Commonwealth of Virginia to submit their state income				
49	tax returns to the Department of Taxation. The fillable form program shall be available before,				
50	but no later than, December 31, 2011. The Virginia Department of Taxation shall provide a				
51	report to the Chairmen of the House Appropriations and Senate Finance Committees no later				
52	than September 1, 2011, on the status of implementing the fillable form program.				
53	263. Not set out.				
54	264. Not set out.				

ITEM 264.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Total for Department of Taxation			\$159,439,223	\$159,000,522
2					\$159,361,642
3	General Fund Positions.....	955.50	955.50		
4	Nongeneral Fund Positions.....	37.00	37.00		
5	Position Level	992.50	992.50		
6	Fund Sources: General	\$80,343,481	\$78,904,780		
7			\$79,265,900		
8	Special	\$17,430,323	\$17,430,323		
9	Trust and Agency	\$652,457	\$652,457		
10	Dedicated Special Revenue	\$61,012,962	\$62,012,962		
11	265. Not set out.				
12	266. Not set out.				
13	267. Not set out.				
14	§ 1-15. TREASURY BOARD (155)				
15	268. Not set out.				
16	269. Not set out.				
17	270. Not set out.				
18	271. Bond and Loan Retirement and Redemption (74300)			\$559,853,649	\$630,797,264
19					\$619,778,002
20	Debt Service Payments on General Obligation Bonds				
21	(74301)	\$119,034,910	\$119,358,310		
22	Capital Lease Payments (74302).....	\$13,813,790	\$13,802,699		
23	Debt Service Payments on Public Building Authority				
24	Bonds (74303).....	\$245,681,006	\$290,935,198		
25			\$283,891,103		
26	Debt Service Payments on College Building Authority				
27	Bonds (74304).....	\$181,323,943	\$206,701,057		
28			\$202,725,890		
29	Fund Sources: General	\$531,376,401	\$580,552,193		
30			\$569,532,931		
31	Special	\$2,417,353	\$2,416,485		
32	Higher Education Operating.....	\$26,059,895	\$26,726,552		
33	Federal Trust.....	\$0	\$21,102,034		
34	Authority: Title 2.2, Chapter 18; Title 33.1, Chapter 3, Article 5, Code of Virginia; Article X,				
35	Section 9, Constitution of Virginia.				
36	A. The Director, Department of Planning and Budget is authorized to transfer appropriations				
37	between Items in the Treasury Board to address legislation affecting the Treasury Board passed				
38	by the General Assembly.				
39	B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the				
40	following amounts are hereby appropriated from the general fund for debt service on general				
41	obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:				
42	Series	FY 2011		FY 2012	
43					
44		General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
45	2002 Refunding	\$9,208,300	\$0	\$8,813,800	\$0
46	2003A	\$3,822,288	\$0	\$3,696,288	\$0
47	2004A	\$9,639,062	\$0	\$10,500,626	\$0

ITEM 271.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	2004B Refunding	\$12,259,550	\$0	\$11,808,050	\$0
2	2005	\$7,562,476	\$0	\$8,318,226	\$0
3	2006A Refunding	\$10,064,750	\$0	\$9,534,500	\$0
4	2006	\$7,732,588	\$0	\$8,686,088	\$0
5	2007A	\$11,365,463	\$0	\$11,052,963	\$0
6	2007B	\$7,138,025	\$0	\$6,938,025	\$0
7	2008A	\$8,651,563	\$0	\$8,454,563	\$0
8	2008B	\$8,951,438	\$0	\$8,801,438	\$0
9	2008B Refunding	\$5,634,341	\$0	\$5,349,963	\$0
10	2009A	\$7,445,000	\$0	\$7,285,000	\$0
11	2009B	\$3,455,316	\$0	\$3,436,869	\$577,161
12	2009 Refunding	\$6,064,750	\$0	\$6,064,750	\$0
13	Projected debt service &				
14	expenses	\$40,000	\$0	\$40,000	\$0
15	Total Service Area	\$119,034,910	\$0	\$118,781,149	\$577,161
16	2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed				
17	to fund issuance costs and other expenses are hereby appropriated.				
18	C. Out of the amounts for Capital Lease Payments, the following amounts are hereby				
19	appropriated for capital lease payments:				
20			FY 2011	FY 2012	
21	Big Stone Gap RHA (DOC) (Wallens Ridge, 1995)		\$6,028,875	\$6,019,000	
22	Norfolk RHA (VCCS-TCC), Series 1995		\$2,018,381	\$2,018,255	
23	Innovative and Entrepreneurship Investment Authority (VEDP)				
24	(1997)		\$1,351,896	\$1,350,568	
25	Virginia Biotech Research Park, 2001		\$2,823,638	\$2,823,876	
26	Virginia Biotech Research Park, 2009		\$1,591,000	\$1,591,000	
27	Total Capital Lease Payments		\$13,813,790	\$13,802,699	
28	D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority				
29	Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by				
30	the authority for its various bond issues:				
31		FY 2011		FY 2012	
32					
33	Series	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
34	1992B Refunding	\$7,410,000	\$0	\$0	\$0
35	2000	\$5,026,400	\$0	\$0	\$0
36	2001	\$1,724,013	\$0	\$1,720,806	\$0
37	2002	\$2,879,913	\$0	\$2,614,288	\$0
38	2003 Refunding	\$4,876,429	\$176,684	\$4,877,095	\$176,399
39	2004A	\$23,932,131	\$0	\$23,905,256	\$0
40	2004B	\$18,209,713	\$0	\$17,301,575	\$0
41	2004C	\$4,545,000	\$0	\$4,552,875	\$0
42	2004D	\$7,510,731	\$0	\$12,520,338	\$0
43	2005A Refunding	\$5,149,625	\$0	\$5,137,500	\$0
44	2005B Refunding	\$19,235,648	\$1,865,002	\$19,241,586	\$1,864,939
45	2005C	\$6,022,313	\$0	\$6,020,938	\$0
46	STARS 2005C	\$12,247,875	\$0	\$12,250,625	\$0
47	2005D	\$650,000	\$0	\$2,213,346	\$0
48	2006A	\$5,954,118	\$0	\$5,956,243	\$0
49	STARS 2006A	\$7,146,375	\$0	\$7,146,500	\$0
50	2006B	\$14,000,300	\$0	\$14,000,800	\$0
51	STARS 2006B	\$4,469,000	\$0	\$4,468,375	\$0
52	2007A	\$14,715,100	\$0	\$14,718,100	\$0
53	STARS 2007A	\$7,513,875	\$0	\$7,514,000	\$0
54	2008A Refunding	\$16,334,958	\$375,667	\$16,309,478	\$375,147
55	2008B	\$11,992,900	\$0	\$11,992,400	\$0
56	2009A	\$4,677,727	\$0	\$4,681,532	\$0
57	2009B	\$16,742,280	\$0	\$16,743,805	\$0

			Item Details(\$)		Appropriations(\$)	
ITEM 271.			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	2009B STARS	\$6,581,500	\$0	\$6,580,850		\$0
2	2009C	\$1,087,702	\$0	\$1,088,808		\$0
3	2009D	\$1,974,350	\$0	\$1,972,725		\$0
4	2010A	\$10,553,676	\$0	\$22,252,457	\$4,511,477	
5	2010B	\$0	\$0	\$22,262,663	4,142,834	
6	Projected debt service					
7	and expenses	\$100,000	\$0	\$9,819,438		\$0
8				\$3,975,242		
9	Total Service Area	\$243,263,653	\$2,417,353	\$279,864,402	\$11,070,796	
10				\$272,820,306		
11	2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of					
12	the approved capital costs as determined by the Board of Corrections and other interest costs as					
13	provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:					
14					Commonwealth Share of	
15	Project				Approved Capital Costs	
16	Loudoun County Adult Detention Center Phase 2				\$8,389,677	
17	Riverside Regional Jail Expansion Phase 2				\$41,662,121	
18	Blue Ridge Regional Jail				\$31,664,995	
19	Meherrin River Regional Jail				\$32,189,469	
20	New River Valley Regional Jail				\$29,868,567	
21	Patrick County Jail				\$2,689,032	
22	Richmond City Jail Replacement				\$29,702,708	
23	Newport News Public Safety Building Life Safety Renovation				\$875,294	
24	Prince William / Manassas Regional Adult Detention Center (Jail Facility Phase I					
25	including renovations)				\$31,519,905	
26	RSW Regional Jail				\$32,840,850	
27	Eastern Shore Regional Jail				\$3,116,122	
28	Total Approved Capital Costs				\$244,518,740	
29	b. The Commonwealth's share of the total cost of construction for Meherrin River Regional Jail					
30	shall not exceed \$32,189,469. The Commonwealth's share of the total cost of construction of					
31	the Richmond City Jail Replacement shall not exceed \$29,702,708. The Commonwealth's					
32	share of the total cost of construction of the Newport News Public Safety Building Life Safety					
33	Renovation project shall not exceed \$875,294. The Commonwealth's share of the total cost of					
34	construction of the RSW Regional Jail project shall not exceed \$32,840,850. Reimbursement					
35	of the Commonwealth's portion of the construction costs of these projects shall be subject to					
36	the approval of the Department of Corrections of the final expenditures and will not occur					
37	before July 1, 2012.					
38	c. This paragraph shall constitute the authority for the Virginia Public Building Authority to					
39	issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.					
40	d. Subject to the approval of the Department of Corrections of the final expenditures for the					
41	Prince William/Manassas Regional Adult Detention Center (Jail Facility Phase I including					
42	renovations), the state share of the approved capital cost for this project shall not exceed					
43	\$31,519,905.					
44	E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority					
45	Bonds shall be paid to the Virginia College Building Authority the following amounts for use					
46	by the Authority for payments on obligations issued for financing authorized projects under the					
47	21st Century College Program:					
48	Series	FY 2011		FY 2012		
49		General Fund	Nongeneral Fund	General Fund	Nongeneral Fund	
50	2002	\$4,037,925	\$0	\$4,038,925	\$0	
51	2003A	\$5,262,900	\$0	\$5,263,400	\$0	
52	2004A	\$6,242,250	\$0	\$6,245,500	\$0	
53	2004B					
54	Refunding	\$9,349,950	\$0	\$9,469,950	\$0	
55	2005A	\$3,483,500	\$0	\$3,481,500	\$0	
56	2006	\$6,600,000	\$0	\$9,539,800	\$0	

ITEM 271.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	2007A				
2	Refunding		\$2,937,300	\$2,937,300	\$0
3	2007B		\$2,856,175	\$2,851,675	\$0
4	2008A		\$7,446,731	\$7,444,981	\$0
5	2009A&B		\$33,301,359	\$33,307,609	\$0
6	2009C				
7	Refunding		\$2,359,800	\$2,363,800	\$0
8	2009E				
9	Refunding		\$10,218,400	\$10,215,450	\$0
10	2009F		\$29,410,365	\$27,529,014	\$6,701,322
11	2010B		\$0	\$24,072,213	\$5,169,239
12	Projected				
13	21st Century				
14	debt service				
15	& expenses		\$250,935	\$1,116,153	\$0
16				\$240,986	
17	Subtotal 21st				
18	Century		\$123,757,590	\$149,877,270	\$11,870,561
19				\$145,902,106	
20					

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2011	FY 2012
2006	\$12,951,750	\$0
2007B	\$18,775,750	\$18,779,250
2008A	\$8,231,750	\$8,229,250
2009D	\$9,049,150	\$9,051,425
2010A	\$8,557,953	\$8,893,301
Projected debt service & expenses	\$0	\$0
Subtotal Equipment	\$57,566,353	\$44,953,226
Total Service Area	\$181,323,943	\$206,701,057
		\$202,725,890

3. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2011	FY 2012
George Mason University	\$1,734,228	\$1,819,170
Old Dominion University	\$832,590	\$886,050
University of Virginia	\$4,266,442	\$4,304,700
Virginia Polytechnic Institute and State University	\$4,084,515	\$4,053,330
Virginia Commonwealth University	\$1,854,360	\$1,906,560
College of William and Mary	\$1,213,882	\$1,256,580
Christopher Newport University	\$101,790	\$118,800
University of Virginia's College at Wise	\$35,108	\$34,650
James Madison University	\$2,430,855	\$2,443,140
Norfolk State University	\$433,605	\$459,990
Longwood University	\$118,410	\$120,600
University of Mary Washington	\$422,985	\$373,500
Radford University	\$304,470	\$266,040
Virginia Military Institute	\$292,118	\$311,400
Virginia State University	\$749,985	\$765,990
Richard Bland College	\$5,730	\$4,950
Virginia Community College System	\$2,336,220	\$2,758,500
TOTAL	\$21,217,293	\$21,883,950

4. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment.

ITEM 271.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

1 The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each
2 year for debt service on bonds issued under the equipment program:

3 5. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the
4 Treasury Board shall amortize equipment purchases at seven years, which is consistent with the
5 useful life of the equipment.

6 **FY 2011** **FY 2012**

7

	Institution	Nongeneral Fund		Nongeneral Fund	
		General Fund	Fund	General Fund	Nongeneral Fund
8	College of William & Mary	\$1,541,950	\$259,307	\$1,469,205	\$259,307
9	University of Virginia	\$10,093,515	\$1,088,024	\$9,339,830	\$1,088,024
10	Virginia Polytechnic Institute				
11	and State University	\$9,354,885	\$992,321	\$8,755,725	\$992,321
12	Virginia Military Institute	\$593,290	\$88,844	\$505,625	\$88,844
13	Virginia State University	\$949,330	\$108,886	\$872,855	\$108,886
14	Norfolk State University	\$1,337,165	\$108,554	\$806,885	\$108,554
15	Longwood University	\$520,085	\$54,746	\$487,775	\$54,746
16	University of Mary				
17	Washington	\$494,188	\$97,063	\$437,530	\$97,063
18	James Madison University	\$1,671,180	\$254,504	\$1,511,855	\$254,504
19	Radford University	\$1,115,115	\$135,235	\$1,066,500	\$135,235
20	Old Dominion University	\$3,379,770	\$374,473	\$3,147,225	\$374,473
21	Virginia Commonwealth				
22	University	\$7,726,995	\$401,647	\$7,322,975	\$401,647
23	Richard Bland College	\$121,730	\$2,027	\$111,875	\$2,027
24	Christopher Newport				
25	University	\$558,715	\$17,899	\$512,725	\$17,899
26	University of Virginia's				
27	College at Wise	\$211,295	\$19,750	\$184,280	\$19,750
28	George Mason University	\$3,520,240	\$205,665	\$3,357,410	\$205,665
29	Virginia Community College				
30	System	\$9,426,165	\$633,657	\$8,675,410	\$633,657
31	Virginia Institute of Marine				
32	Science	\$516,760	\$0	\$489,925	\$0
33	Roanoke Higher Education				
34	Authority	\$56,105	\$0	\$52,315	\$0
35	Southwest Virginia Higher				
36	Education Center	\$53,375	\$0	\$49,810	\$0
37	Institute for Advanced				
38	Learning and Research	\$680,565	\$0	\$135,475	\$0
39	Southern Virginia Higher				
40	Education Center	\$19,175	\$0	\$23,435	\$0
41	New College Institute	\$24,205	\$0	\$34,845	\$0
42	TOTAL	\$53,965,798	\$4,842,602	\$49,351,490	\$4,842,602

44 F. Pursuant to various Payment Agreements between the Treasury Board and the
45 Commonwealth Transportation Board, funds required to pay the debt service due on
46 Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by
47 the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth
48 Transportation Board pursuant to Item 456, paragraph E of this act and §§ 58.1-815, 58.1-815.1
49 and 58.1-816.1, Code of Virginia, as follows:.

50 **FY 2011** **FY 2012**

51

52	Transportation Contract Revenue Refunding Bonds, Series		
53	2002 (Route 28)	\$7,528,835	\$7,529,625
54	Commonwealth of Virginia Transportation Revenue Bonds		
55	U.S. Route 58 Corridor Development Program:		

ITEM 271.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Series 2001B	\$3,760,113		\$3,758,563	
2	Series 2002B (Refunding)	\$7,234,938		\$7,235,688	
3	Series 2003A (Refunding)	\$9,916,775		\$9,911,725	
4	Series 2004B	\$23,086,913		\$23,088,263	
5	Series 2006C	\$3,173,000		\$3,173,000	
6	Series 2007B	\$4,197,750		\$4,197,750	
7	Northern Virginia Transportation District Program:				
8	Series 2001A	\$2,822,413		\$2,826,213	
9	Series 2002A	\$12,359,444		\$12,358,944	
10	Series 2004A	\$8,294,750		\$8,289,250	
11	Series 2006B	\$973,363		\$973,363	
12	Series 2007A	\$4,526,600		\$4,535,600	
13	Series 2009A-1	\$2,206,150		\$2,207,350	
14	Series 2009A-2	\$3,305,799		\$3,305,799	
15	Transportation Program Revenue Bonds, Series 2006A (Oak				
16	Grove Connector, City of Chesapeake)	\$2,226,750		\$2,229,750	
17	Capital Project Revenue Bonds:				
18	Series 2010A-1	\$17,181,308		\$16,927,750	
19	Series 2010A-2	\$19,729,738		\$20,351,592	
20	G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use				
21	as lease, rental, or debt service payments to be used for any type of financing where the				
22	proceeds are used to acquire equipment and to finance associated costs, including but not				
23	limited to issuance and other financing costs. In the event such transfers occur, the transfers				
24	shall be deemed an appropriation to the Treasury Board for the purpose of making the lease,				
25	rental, or debt service payments described herein.				
26	272.	Not set out.			
27	Total for Treasury Board.....			\$570,880,963	\$633,432,979
28					\$622,413,717
29	Fund Sources: General.....	\$542,403,715	\$583,187,908		
30			\$572,168,646		
31	Special.....	\$2,417,353	\$2,416,485		
32	Higher Education Operating.....	\$26,059,895	\$26,726,552		
33	Federal Trust.....	\$0	\$21,102,034		
34	TOTAL FOR OFFICE OF FINANCE.....			\$1,785,484,722	\$1,991,291,673
35					\$1,866,339,531
36	General Fund Positions.....	1,167.00	1,167.00		
37	Nongeneral Fund Positions.....	143.50	143.50		
38	Position Level	1,310.50	1,310.50		
39	Fund Sources: General.....	\$1,634,296,040	\$1,811,432,469		
40			\$1,686,480,327		
41	Special.....	\$21,138,010	\$21,341,194		
42	Higher Education Operating.....	\$26,059,895	\$26,726,552		
43	Commonwealth Transportation	\$183,163	\$183,163		
44	Trust and Agency	\$41,045,465	\$46,738,527		
45	Dedicated Special Revenue	\$62,762,149	\$63,767,734		
46	Federal Trust.....	\$0	\$21,102,034		

ITEM 273.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
OFFICE OF HEALTH AND HUMAN RESOURCES					
§ 1-16. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)					
273.	Not set out.				
Comprehensive Services for At-Risk Youth and Families (200)					
274.	Protective Services (45300).....			\$328,843,220	\$322,668,561 \$297,841,548
	Financial Assistance for Child and Youth Services (45303)	\$328,843,220	\$322,668,561 \$297,841,548		
	Fund Sources: General.....	\$271,234,333	\$270,060,815 \$245,233,802		
	Federal Trust.....	\$57,608,887	\$52,607,746		
Authority: Title 2.2, Chapter 52, Code of Virginia.					
A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.					
B.1.a. Out of this appropriation, \$206,045,021 from the general fund and \$56,608,887 from nongeneral funds the first year and \$198,371,503 \$201,871,502 from the general fund and \$51,607,746 from nongeneral funds the second year, shall be used for the state pool of funds, pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.					
b. The Medicaid state pool allocation shall consist of \$28,759,663 from the general fund and \$48,188,889 from nongeneral funds the first year and \$32,526,197 \$28,526,197 from the general fund and \$43,187,748 from nongeneral funds the second year. The Office of Comprehensive Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.					
c. The non-Medicaid state pool allocation shall consist of \$177,285,358 from the general fund and \$8,419,998 in nongeneral funds the first year and \$165,845,306 \$173,345,306 from the general fund and \$8,419,998 in nongeneral funds the second year. The nongeneral funds shall be transferred from the Department of Social Services.					
d. The Office of Comprehensive Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.					
e. The Office of Comprehensive Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.					
2.a. Out of this appropriation, \$65,119,312 from the general fund and \$1,000,000 from nongeneral funds the first year and \$66,119,312 \$41,292,299 from the general fund and \$1,000,000 from nongeneral funds the second year shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.					
b. In each year, the director of the Office of Comprehensive Services for At-Risk Youth and Families may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.					
c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the					

ITEM 274.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Comprehensive Services Act.				
2	d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall				
3	seek to ensure that services and funding are consistent with the Commonwealth's policies of				
4	preserving families and providing appropriate services in the least restrictive environment, while				
5	protecting the welfare of children and maintaining the safety of the public. Each locality shall				
6	submit to the Office of Comprehensive Services information on utilization of residential				
7	facilities for treatment of children and length of stay in such facilities. By December 15 of each				
8	year, the Office of Comprehensive Services shall report to the Governor and Chairmen of the				
9	House Appropriations and Senate Finance Committees on utilization rates and average lengths				
10	of stays statewide and for each locality.				
11	3. Each locality receiving funds for activities under the Comprehensive Services Act (CSA)				
12	shall have a utilization management process, including a uniform assessment, approved by the				
13	State Executive Council, covering all CSA services. Utilizing a secure electronic site, each				
14	locality shall also provide information as required by the Office of Comprehensive Services to				
15	include, but not be limited to case specific information, expenditures, number of youth served				
16	in specific CSA activities, length of stay for residents in core licensed residential facilities, and				
17	proportion of youth placed in treatment settings suggested by the uniform assessment				
18	instrument. The State Executive Council, utilizing this information, shall track and report on				
19	child specific outcomes for youth whose services are funded under the Comprehensive Services				
20	Act. Only non-identifying demographic, service, cost and outcome information shall be released				
21	publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must				
22	demonstrate compliance with all CSA provisions to receive pool funding.				
23	4. The Secretary of Health and Human Resources, in consultation with the Secretary of				
24	Education and Workforce and the Secretary of Public Safety, shall direct the actions for the				
25	Departments of Social Services, Education and Workforce, Juvenile Justice, Medical Assistance				
26	Services, Health, and Behavioral Health and Developmental Services, to implement, as part of				
27	ongoing information systems development and refinement, changes necessary for state and local				
28	agencies to fulfill CSA reporting needs.				
29	5. The State Executive Council shall provide localities with technical assistance on ways to				
30	control costs and on opportunities for alternative funding sources beyond funds available				
31	through the state pool.				
32	6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
33	general fund is provided for a combination of regional and statewide meetings for technical				
34	assistance to local community policy and management teams, family assessment and planning				
35	teams, and local fiscal agents. Training shall include, but not be limited to, cost containment				
36	measures, building community-based services, including creation of partnerships with private				
37	providers and non-profit groups, utilization management, use of alternate revenue sources, and				
38	administrative and fiscal issues. A state-supported institution of higher education, in cooperation				
39	with the Virginia Association of Counties, the Virginia Municipal League, and the State				
40	Executive Council, may assist in the provisions of this paragraph. A training plan shall be				
41	presented to and approved by the State Executive Council before the beginning of each fiscal				
42	year. A training calendar and timely notice of programs shall be provided to Community				
43	Policy and Management Teams and family assessment and planning team members statewide				
44	as well as to local fiscal agents and chief administrative officers of cities and counties. A				
45	report on all regional and statewide training sessions conducted during the fiscal year, including				
46	(i) a description of each program and trainers, (ii) the dates of the training and the number of				
47	attendees for each program, (iii) a summary of evaluations of these programs by attendees, and				
48	(iv) the funds expended, shall be made to the Chairmen of the House Appropriations and				
49	Senate Finance Committees and to the members of the State Executive Council by December 1				
50	of each year. Any funds unexpended for this purpose in the first year shall be reappropriated				
51	for the same use in the second year.				
52	7. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the				
53	general fund shall be available for utilization management services. The Office of				
54	Comprehensive Services and the Department of Behavioral Health and Developmental Services,				
55	in cooperation with representatives of the Virginia Association of Counties, the Virginia				
56	Municipal League, and the State Executive Council, shall develop the criteria and guidelines to				
57	be followed when providing these utilization management services.				

ITEM 274.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	8. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the				
2	general fund is provided for the Office of Comprehensive Services to contract for the support				
3	of uniform CSA reporting requirements.				
4	9. The State Executive Council shall require a uniform assessment instrument.				
5	10. The Office of Comprehensive Services, in conjunction with the Department of Social				
6	Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families				
7	Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for				
8	the Comprehensive Services Act for At-Risk Youth and Families.				
9	11. For purposes of defining cases involving only the payment of foster care maintenance,				
10	pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the				
11	Virginia Department of Social Services for federal Title IV-E shall be used.				
12	C. The funding formula to carry out the provisions of the Comprehensive Services Act for				
13	At-Risk Youth and Families is as follows:				
14	1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts				
15	specified in paragraphs B 1 b and B 1 c in this Item. These funds shall be distributed to each				
16	locality in each year of the biennium based on the greater of that locality's percentage of actual				
17	1997 Comprehensive Services Act pool fund program expenditures to total 1997 pool fund				
18	program expenditures or the latest available three-year average of actual pool fund program				
19	expenditures as reported to the state fiscal agent.				
20	2. Local Match. All localities are required to appropriate a local match for the base year				
21	funding consisting of the actual aggregate local match rate based on actual total 1997 program				
22	expenditures for the Comprehensive Services Act for At-Risk Youth and Families. This local				
23	match rate shall also apply to all reimbursements from the state pool of funds in this Item and				
24	carryforward expenditures submitted prior to September 30 each year for the preceding fiscal				
25	year, including administrative reimbursements under paragraph C 4 in this Item.				
26	3.a. Notwithstanding the provisions of C 2 of this Item, beginning July 1, 2008, the local				
27	match rate for community based services for each locality shall be reduced by 50 percent.				
28	b. Localities shall review their caseloads for those individuals who can be served appropriately				
29	by community-based services and transition those cases to the community for services.				
30	Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each				
31	locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local				
32	match rate for Medicaid residential services for each locality shall be 25 percent above the				
33	fiscal year 2007 base.				
34	c. By October 1 of each year, The State Executive Council (SEC) shall provide an update to				
35	the Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
36	on the outcomes of this initiative.				
37	d. At the direction of the State Executive Council, local Community Policy and Management				
38	Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their				
39	service areas to develop a local plan for intensive care coordination (ICC) services that best				
40	meets the needs of the children and families. If there is more than one CPMT in the CSB's				
41	service area, the CPMTs and the CSB may work together as a region to develop a plan for				
42	ICC services. Local CPMTs and CSBs shall also work together to determine the most				
43	appropriate and cost-effective provider of ICC services for children in their community who are				
44	placed in, or at-risk of being placed in, residential care through the Comprehensive Services				
45	Act for At-Risk Youth and Families program, in accordance with guidelines developed by the				
46	State Executive Council. The State Executive Council and Office of Comprehensive Services				
47	shall establish guidelines for reasonable rates for ICC services and provide training and				
48	technical assistance to CPMTs and fiscal agents regarding these services.				
49	e. The local match rate for all non-Medicaid services provided in the public schools after June				
50	30, 2011 shall equal the fiscal year 2007 base.				
51	4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the				
52	fiscal year 1997 pool fund allocations, not to exceed \$1,560,000 the first year and \$1,560,000				

ITEM 274.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	the second year from the general fund, shall be allocated among all localities for administrative				
2	costs. Every locality shall be required to appropriate a local match based on the local match				
3	contribution in paragraph C 2 of this Item. Inclusive of the state allocation and local matching				
4	funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of				
5	the total pool allocation. No locality shall receive more than \$50,000, inclusive of the state				
6	allocation and local matching funds. Localities are encouraged to use administrative funding to				
7	hire a full-time or part-time local coordinator for the Comprehensive Services Act program.				
8	Localities may pool this administrative funding to hire regional coordinators.				
9	5. Definition. For purposes of the funding formula in the Comprehensive Services Act for				
10	At-Risk Youth and Families, "locality" means city or county.				
11					
12	E. Community Policy and Management Teams shall use Medicaid-funded services whenever				
13	they are available for the appropriate treatment of children and youth receiving services under				
14	the Comprehensive Services Act for At-Risk Children and Youth. Effective July 1, 2009, pool				
15	funds shall not be spent for any service that can be funded through Medicaid for				
16	Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or				
17	inappropriate for meeting the needs of a child.				
18	F. Pursuant to subdivision 3 of §2.2-52.06, Code of Virginia, Community Policy and				
19	Management Teams shall enter into agreements with the parents or legal guardians of children				
20	receiving services under the Comprehensive Services Act for At-Risk Children and Youth. The				
21	Office of Comprehensive Services shall be a party to any such agreement. If the parent or legal				
22	guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action				
23	cannot be referred to the Division of Child Support Enforcement of the Department of Social				
24	Services, upon the request of the community policy management team, the Office of				
25	Comprehensive Services shall make a claim against the parent or legal guardian for such				
26	payment through the Department of Law's Division of Debt Collection in the Office of the				
27	Attorney General.				
28	G. The Office of Comprehensive Services, in cooperation with the Department of Medical				
29	Assistance Services, shall provide technical assistance and training to assist residential and				
30	treatment foster care providers who provide Medicaid-reimbursable services through the				
31	Comprehensive Services Act for At-Risk Children and Youth (CSA) to become				
32	Medicaid-certified providers.				
33	H. The Office of Comprehensive Services shall work with the State Executive Council and the				
34	Department of Medical Assistance Services to assist Community Policy and Management				
35	Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible				
36	children and youth through the Comprehensive Services Act for At-Risk Children and Youth,				
37	thereby increasing Medicaid reimbursement for treatment services and decreasing the number of				
38	denials for Medicaid services related to medical necessity and utilization review activities.				
39	I. Pursuant to subdivision 19 of §2.2-2648, Code of Virginia, no later than December 20 in the				
40	odd-numbered years, the State Executive Council shall biennially publish and disseminate to				
41	members of the General Assembly and Community Policy and Management Teams a progress				
42	report on comprehensive services for children, youth and families and a plan for such services				
43	for the succeeding biennium.				
44	J. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the				
45	general fund shall be used to purchase and maintain an information system to provide quality				
46	and timely child demographic, service, expenditure and outcome data.				
47	K. The State Executive Council shall work with the Department of Education to ensure that				
48	funding in this item is sufficient to pay for the educational services of students that have been				
49	placed in or admitted to state or privately operated psychiatric or residential treatment facilities				
50	to meet the educational needs of the students as prescribed in the student's Individual				
51	Educational Plan (IEP).				
52	L. The Office of Comprehensive Services, in collaboration with the Department of Medical				
53	Assistance Services, shall explore the possibility of transferring the comprehensive services				
54	billing system to the Department of Medical Assistance Services. The Office of Comprehensive				

ITEM 274.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Services shall report to the Governor and the Chairmen of the House Appropriations and				
2	Senate Finance Committees on the costs and potential savings of transferring the system, as				
3	well as a timeline for implementation, by October 1, 2011.				
4	M. The State Executive Council (SEC) shall authorize guidelines for therapeutic foster care				
5	(TFC) services, including a standardized definition of therapeutic foster care services, uniform				
6	service needs criteria required for the utilization of therapeutic foster care services, uniform				
7	placement outcome goals to include length of stay targets when the service is indicated and				
8	uniform contracting requirements when purchasing therapeutic foster care services. The SEC				
9	shall authorize the use of regional contracts for the provision of TFC services. The SEC shall				
10	direct the Office of Comprehensive Services to (i) work with stakeholders to develop these				
11	guidelines for the provision of TFC and (ii) develop regional contracts for the provision of				
12	TFC, with the goal of decreasing the unit cost of social services and maintaining or increasing				
13	the quality and effectiveness of the services. The SEC shall focus its attention on rural areas				
14	and areas with few service providers. Training will be provided for all local departments of				
15	social services, family assessment and planning teams, community policy and management				
16	teams and therapeutic foster care services providers on these guidelines. The Director of the				
17	Office of Comprehensive Services shall report the progress of these efforts to the SEC at its				
18	regularly scheduled meetings.				
19	N.1. The Office of Comprehensive Services (OCS) shall report on funding for therapeutic foster				
20	care services including but not limited to the number of children served annually, average cost				
21	of care, type of service provided, length of stay, referral source, and ultimate disposition. In				
22	addition, the OCS shall provide guidance and training to assist localities in negotiating				
23	contracts with therapeutic foster care providers.				
24	2. The Office of Comprehensive Services shall report on funding for special education day				
25	treatment, residential services, and services provided in public schools, including but not				
26	limited to the number of children served annually, average cost of care, type of service				
27	provided, length of stay, referral source, and ultimate disposition.				
28	3. The Office of Comprehensive Services shall report the information included in this				
29	paragraph to the Chairmen of the House Appropriations and Senate Finance Committees				
30	beginning September 1, 2011 and each year thereafter.				
31	O. The State Executive Council (SEC) shall develop a plan to serve children and youth eligible				
32	for CSA in the least restrictive environment through the appropriate use of non-educational				
33	supportive services. Strategies shall include but not be limited to: establishing clear guidelines				
34	for the provision of non-academic, home- and community-based services to children; providing				
35	training to localities on the use of CSA pool funds for supportive services for children outside				
36	of school to maintain them in their homes and current school placements; and providing				
37	training to localities on the provision of supportive services in the public school setting. The				
38	plan shall be developed with input from key stakeholders, including but not limited to the State				
39	and Local Advisory Team, children's advocacy groups and special education experts. The SEC				
40	shall report its findings and recommendations to the Chairmen of the House Appropriations and				
41	Senate Finance Committees on October 1, 2011.				
42	Total for Comprehensive Services for At-Risk Youth				
43	and Families			\$328,843,220	\$322,668,561
44					\$297,841,548
45	Fund Sources: General	\$271,234,333	\$270,060,815		
46			\$245,233,802		
47	Federal Trust.....	\$57,608,887	\$52,607,746		
48	Grand Total for Secretary of Health and Human				
49	Resources.....			\$330,377,920	\$324,849,261
50					\$300,022,248
51	General Fund Positions.....	5.00	5.00		
52	Position Level	5.00	5.00		
53	Fund Sources: General	\$272,769,033	\$272,241,515		
54			\$247,414,502		

ITEM 274.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Federal Trust.....	\$57,608,887	\$52,607,746		
2	275. Not set out.				
3	276. Not set out.				
4	277. Not set out.				
5	278. Not set out.				
6	279. Not set out.				
7	§ 1-17. DEPARTMENT OF HEALTH (601)				
8	280. Not set out.				
9	281. Not set out.				
10	282. Not set out.				
11	283. Not set out.				
12	284. Communicable Disease Prevention and Control (40500) .			\$49,807,930	\$49,771,301
13					\$49,820,632
14	Immunization Program (40502)	\$6,295,435	\$6,295,435		
15	Tuberculosis Prevention and Control (40503).....	\$1,980,733	\$1,980,733		
16			\$2,030,064		
17	Sexually Transmitted Disease Prevention and Control				
18	(40504)	\$1,963,795	\$2,097,715		
19	Disease Investigation and Control Services (40505).....	\$3,548,777	\$3,724,332		
20	HIV/Aids Prevention and Treatment Services (40506).....	\$36,019,190	\$35,673,086		
21	Fund Sources: General	\$10,982,058	\$9,964,294		
22			\$10,013,625		
23	Special.....	\$511,313	\$1,171,711		
24	Federal Trust.....	\$38,314,559	\$38,635,296		
25	Authority: §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, Code of Virginia; and P.L.				
26	91-464, as amended, Federal Code.				
27	A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
28	general fund shall be used to purchase medications for individuals who have tuberculosis but				
29	who do not qualify for free or reduced prescription drugs and who do not have adequate				
30	income or insurance coverage to purchase the required prescription drugs.				
31	B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the				
32	general fund shall be provided to the Division of Tuberculosis Control for the purchase of				
33	medications and supplies for individuals who have drug-resistant tuberculosis and require				
34	treatment with expensive, second-line antimicrobial agents.				
35	C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia,				
36	shall be satisfied by the submission of samples to the Division of Consolidated Laboratory				
37	Services, or such other laboratory as may be designated by the Board of Health.				
38	D. Out of this appropriation, \$280,110 the first year and \$280,110 the second year from the				
39	general fund and \$840,288 the first year and \$840,288 the second year from nongeneral funds				
40	shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for children without				
41	insurance.				
42	E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
43	general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for				
44	insurance premium payments, coinsurance payments, and other out-of-pocket costs for				
45	individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes				
46	between 135 percent and 300 percent of the federal poverty income guidelines and who are				

ITEM 284.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Medicare Part D beneficiaries.				
2	F. Out of this appropriation, up to \$15,000 the second year from the general fund shall be used				
3	to support the operations of the Lyme Disease Task Force. This operational support shall be				
4	used to provide for the expenses incurred by the members of the task force and may be used				
5	for such other services as deemed necessary to accomplish the purposes for which it was				
6	created.				
7	G. The Commissioner of Health shall monitor patients who have been removed or diverted				
8	from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum				
9	the Commissioner shall monitor patients to determine if they have been successfully enrolled in				
10	a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral				
11	medications. The Commissioner shall also monitor the program to assess whether a waiting list				
12	has developed for services provided through the ADAP program. The Commissioner shall				
13	report findings to the Chairmen of the House Appropriations and Senate Finance Committees				
14	annually beginning October 1, 2011.				
15	285. Not set out.				
16	286. Not set out.				
17	287. Not set out.				
18	288. Not set out.				
19	289. Not set out.				
20	290. Not set out.				
21	291. Not set out.				
22	292. Not set out.				
23	Total for Department of Health.....			\$570,611,749	\$574,599,067
24					\$574,648,398
25	General Fund Positions.....	1,554.22	1,555.22		
26	Nongeneral Fund Positions.....	2,058.78	2,219.78		
27	Position Level	3,613.00	3,775.00		
28	Fund Sources: General	\$153,525,069	\$153,981,240		
29			\$154,030,571		
30	Special	\$148,928,973	\$146,409,129		
31	Dedicated Special Revenue	\$116,129,187	\$115,719,762		
32	Federal Trust.....	\$152,028,520	\$158,488,936		
33	293. Not set out.				
34	294. Not set out.				
35	§ 1-18. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)				
36	295. Pre-Trial, Trial, and Appellate Processes (32100).....			\$12,415,138	\$12,335,627
37					\$13,006,194
38	Reimbursements for Medical Services Related to				
39	Involuntary Mental Commitments (32107).....	\$12,415,138	\$12,335,627		
40			\$13,006,194		
41	Fund Sources: General	\$12,415,138	\$12,335,627		
42			\$13,006,194		
43	Authority: § 37.2-809, Code of Virginia.				
44	A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to				

ITEM 295.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Involuntary Mental Commitments (32107), may be transferred between Items 42, 43, 44, and				
2	295 as needed, to address any deficits incurred for Involuntary Mental Commitments by the				
3	Supreme Court or the Department of Medical Assistance Services.				
4	B. Out of this appropriation, payments may be made from the Involuntary Mental Commitment				
5	Fund to licensed health care providers for medical screening and assessment services provided				
6	to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of				
7	Virginia.				
8	295.10. Not set out.				
9	296. Children's Health Insurance Program Delivery (44600)...			\$133,634,267	\$144,862,002
10					\$141,238,863
11	Reimbursements for Medical Services Provided Under				
12	the Family Access to Medical Insurance Security Plan				
13	(44602)	\$133,634,267	\$144,862,002		
14			\$141,238,863		
15	Fund Sources: General	\$30,955,895	\$34,631,511		
16			\$33,363,412		
17	Dedicated Special Revenue	\$15,816,098	\$16,070,190		
18	Federal Trust	\$86,862,274	\$94,160,301		
19			\$91,805,261		
20	Authority: Title 32.1, Chapter 13, Code of Virginia.				
21	A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission				
22	shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium				
23	differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from				
24	eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision				
25	A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of				
26	the Commonwealth to transfer such amounts to the Family Access to Medical Insurance				
27	Security Plan Trust Fund as established on the books of the Comptroller.				
28	B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance				
29	Security Plan Trust Fund, shall be used to match federal funds for the Children's Health				
30	Insurance Program.				
31	C.				
32	2. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code				
33	of Virginia, shall be enrolled and served in the program. To the extent that appropriations in				
34	this Item are insufficient, the Director, Department of Planning and Budget shall transfer				
35	general fund appropriations from Items 297 and 299 into this Item, to be used as state match				
36	for federal Title XXI funds.				
37	D. Effective July 1, 2009, the Department of Medical Assistance Services shall have the				
38	authority to amend the Family Access to Medical Insurance Security Plan and related				
39	regulations to expand medical coverage to pregnant women who are over the age of 19 who				
40	are ineligible for Medicaid and have annual family income less than or equal to 200 percent of				
41	the Federal Poverty Level and to simplify the administration of the premium assistance				
42	program available to families with children eligible for FAMIS who have access to an				
43	employer-sponsored health insurance program. The medical coverage period shall apply to a				
44	woman during her pregnancy and extend no longer than the end of the month in which her				
45	60-day postpartum period ends. Services provided during this coverage period shall include all				
46	services in the FAMIS State Plan with the exception of the Early Periodic Screening Diagnosis				
47	and Treatment Program. The department will continue to ensure the cost effectiveness of the				
48	premium assistance program.				
49	E. The Department of Medical Assistance Services shall have the authority to provide				
50	eligibility in the Family Access to Medical Insurance Security (FAMIS) Plan to infants born to				
51	mothers enrolled in FAMIS, for the month of birth plus two additional months, even if				
52	eligibility is not yet established for the newborn. If federal funds are not available for those				

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1	months of eligibility, the department shall use state funding. The department shall promulgate				
2	emergency regulations to implement this amendment within 280 days or less from the				
3	enactment of this act.				
4	F. The Department of Medical Assistance Services shall make the monthly capitation payment				
5	to managed care organizations for the member months of each month in the first week of the				
6	subsequent month. The department shall have the authority to implement this reimbursement				
7	schedule change effective upon passage of this act, and prior to the completion of any				
8	regulatory process undertaken in order to effect such change.				
9	H. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application				
10	thereof is declared by the United States Department of Health and Human Services or the				
11	Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation,				
12	such decisions shall not affect the validity of the remaining portions of this Item, which shall				
13	remain in force as if this Item had passed without the conflicting part, section, subsection,				
14	paragraph, clause, or phrase. Further, if the United States Department of Health and Human				
15	Services or the Centers for Medicare and Medicaid Services determines that the process for				
16	accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item				
17	is out of compliance or in conflict with federal law and regulation and recommends another				
18	method of accomplishing the same intent, the Director, Department of Medical Assistance				
19	Services, after consultation with the Attorney General, is authorized to pursue the alternative				
20	method.				
21	I. In order to maintain coverage of pregnant women to 200 percent of the Federal Poverty				
22	Level (FPL) in reaction to federal directives in the Children's Health Insurance Program				
23	Reauthorization Act (CHIPRA), the Department of Medical Assistance Services shall have				
24	authority to amend the Title XIX State Plan for Medical Assistance, the Virginia Plan for Title				
25	XXI, and/or Virginia's FAMIS MOMS waiver as necessary to provide coverage in the most				
26	cost effective manner allowed. Specifically, if required by the Centers for Medicare and				
27	Medicaid Services (CMS), the department shall have authority to extend coverage to pregnant				
28	women and their newborns, with income above 133 percent of the Federal Poverty Level				
29	(FPL) through 185 percent FPL, who have other insurance. The department shall have				
30	authority to promulgate emergency regulations to implement this amendment effective July 1,				
31	2010.				
32	J. The Department of Medical Assistance Services shall have authority to amend the Virginia				
33	State Plan for Title XXI of the Social Security Act and the Virginia Health Insurance				
34	Flexibility and Accountability (HIFA) Waiver to require that Family Access to Medical				
35	Insurance Security (FAMIS) and FAMIS MOMS applicants and enrollees furnish their Social				
36	Security numbers as a condition of eligibility in order to have citizenship and identity verified				
37	by the Social Security Administration, unless the applicant is otherwise exempt from this				
38	requirement. The department shall have the authority to implement this change prior to the				
39	completion of any regulatory process undertaken in order to effect such change.				
40	K. Out of this appropriation the dedicated special fund appropriation for Children's Health				
41	Insurance Program Delivery includes \$1,750,471 the first year and \$2,004,563 the second year				
42	from the Virginia Health Care Fund.				
43	L. The Department of Medical Assistance Services is directed to develop enrollment and				
44	retention provisions, consistent with those outlined in Section 104 of the Children's Health				
45	Insurance Program (CHIP) Reauthorization Act of 2009, P.L. 111-3, and implement provisions				
46	determined to be budget-neutral, cost-effective or that would lead to an award of a CHIP				
47	performance bonus.				
48	297. Medicaid Program Services (45600).....			\$7,160,120,878	\$7,139,707,037
49					\$6,973,579,404
50	Reimbursements to State-Owned Mental Health and				
51	Mental Retardation Facilities (45607).....	\$224,399,339	\$263,128,981		
52	Reimbursements to State-Owned Mental Health and				
53	Intellectual Disabilities Facilities (45607)				
54	Reimbursements for Mental Health and Mental				
55	Retardation Services (45608).....	\$598,893,173	\$627,627,297		

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1	<i>Reimbursements for Mental Health and Intellectual</i>				
2	<i>Disability Services (45608).....</i>		\$649,700,120		
3	Reimbursements for Professional and Institutional				
4	Medical Services (45609).....	\$4,351,704,930	\$4,168,256,945		
5			\$3,912,061,731		
6	Reimbursements for Long-Term Care Services (45610)...	\$1,985,123,436	\$2,080,693,814		
7			\$2,148,688,572		
8	Fund Sources: General	\$2,700,712,247	\$3,346,720,741		
9			\$3,261,365,389		
10	Dedicated Special Revenue	\$285,993,227	\$297,592,267		
11			\$281,579,144		
12	Federal Trust.....	\$4,173,415,404	\$3,495,394,029		
13			\$3,430,634,871		
14	Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-87, as amended, Title XIX,				
15	Social Security Act, Federal Code.				
16	A. It is the intent of the General Assembly to develop and cause to be developed appropriate,				
17	fiscally responsible methods for addressing the issues related to the cost and funding of				
18	long-term care. It is the further intent of the General Assembly to promote home-based and				
19	community-based care for individuals who are determined to be in need of nursing facility care.				
20	B.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers				
21	from the United States Department of Health and Human Services to authorize the				
22	Commonwealth to cover health care services and delivery systems, as may be permitted by				
23	Title XIX of the Social Security Act, which may provide less expensive alternatives to the				
24	State Plan for medical assistance.				
25	2. The director shall promulgate such regulations as may be necessary to implement those				
26	programs which may be permitted by Titles XIX and XXI of the Social Security Act, in				
27	conformance with all requirements of the Administrative Process Act.				
28	C. The appropriation includes \$90,410,493 the first year from the general fund and				
29	\$133,988,844 from the federal trust fund and \$131,564,490 the second year from the general				
30	fund and \$131,564,490 from the federal trust fund for reimbursement to the institutions within				
31	the Department of Behavioral Health and Developmental Services.				
32	D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application				
33	thereof is declared by the United States Department of Health and Human Services or the				
34	Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation,				
35	such decisions shall not affect the validity of the remaining portions of this Item, which shall				
36	remain in force as if this Item had passed without the conflicting part, section, subsection,				
37	paragraph, clause, or phrase. Further, if the United States Department of Health and Human				
38	Services or the Centers for Medicare and Medicaid Services determines that the process for				
39	accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item				
40	is out of compliance or in conflict with federal law and regulation and recommends another				
41	method of accomplishing the same intent, the Director, Department of Medical Assistance				
42	Services, after consultation with the Attorney General, is authorized to pursue the alternative				
43	method.				
44	E.1. Included in this appropriation is \$63,991,631 from the general fund and \$72,805,362 from				
45	nongeneral funds in the first year and \$69,559,795 \$70,540,096 from the general fund and				
46	\$78,727,642 \$79,707,943 from nongeneral funds in the second year to reimburse the Virginia				
47	Commonwealth University Health System for indigent health care costs. This funding is				
48	composed of disproportionate share hospital (DSH) payments, indirect medical education (IME)				
49	payments, and any Medicaid profits realized by the Health System. Payments made from the				
50	federal DSH fund shall be made in accordance with 42 USC 1396r-4. In order to receive the				
51	nongeneral funds in excess of the amount of the general fund appropriated, the Virginia				
52	Commonwealth University Health System shall certify the public expenditure. If there is an				
53	extension through June 30, 2011 of increased Federal Medical Assistance Percentage				
54	established under the American Recovery and Reinvestment Act, the reduction of \$4,445,409				
55	from the general fund the first year shall not become effective. This contingent appropriation is				
56	subject to the provisions of paragraph KKKK. in this Item.				

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1	2. Included in this appropriation is \$38,212,827 from the general fund and \$43,475,976 from			
2	nongeneral funds in the first year and \$41,568,366 \$40,331,858 from the general fund and			
3	\$47,046,997 \$45,810,489 from nongeneral funds in the second year to reimburse the University			
4	of Virginia Health System for indigent health care costs. This funding is comprised of			
5	disproportionate share hospital (DSH) payments, indirect medical education (IME) payments,			
6	and any Medicaid profits realized by the Health System. Payments made from the federal DSH			
7	fund shall be made in accordance with 42 USC 1396r-4. In order to receive the nongeneral			
8	funds in excess of the amount of the general fund appropriated, the University of Virginia			
9	University Health System shall certify the public expenditure. If there is an extension through			
10	June 30, 2011 of increased Federal Medical Assistance Percentage established under the			
11	American Recovery and Reinvestment Act, the reduction of \$2,654,591 from the general fund			
12	the first year shall not become effective. This contingent appropriation is subject to the			
13	provisions of paragraph KKKK. in this Item.			
14	F. The department shall establish a program to more effectively manage those Medicaid			
15	recipients who receive the highest cost care. To implement the program, the department shall			
16	establish uniform criteria for the program, including criteria for the high cost recipients,			
17	providers and reimbursement, service limits, assessment and authorization limits, utilization			
18	review, quality assessment, appeals and other such criteria as may be deemed necessary to			
19	define the program. The department shall seek any necessary approval from the Centers for			
20	Medicare and Medicaid Services, and shall promulgate such regulations as may be deemed			
21	necessary to implement this program.			
22	G. The Department of Medical Assistance Services and the Virginia Department of Health shall			
23	work with representatives of the dental community: to expand the availability and delivery of			
24	dental services to pediatric Medicaid recipients; to streamline the administrative processes; and			
25	to remove impediments to the efficient delivery of dental services and reimbursement thereof.			
26	The Department of Medical Assistance Services shall report its efforts to expand dental services			
27	to the Chairmen of the House Appropriations and Senate Finance Committees and the			
28	Department of Planning and Budget by December 15 each year.			
29	H. The Department of Medical Assistance Services shall implement continued enhancements to			
30	the prospective drug utilization review (pro-DUR) program. The department shall continue the			
31	Pharmacy Liaison Committee and the pro-DUR Committee. The department shall continue to			
32	work with the Pharmacy Liaison Committee to implement initiatives for the promotion of			
33	cost-effective services delivery as may be appropriate. The department shall report on the			
34	Pharmacy Liaison Committee's and the pro-DUR Committee's activities to the Board of			
35	Medical Assistance Services and to the Chairmen of the House Appropriations and Senate			
36	Finance Committees and the Department of Planning and Budget no later than December 15			
37	each year of the biennium.			
38	I. It is the intent of the General Assembly that the medically needy income limits for the			
39	Medicaid program are adjusted annually to account for changes in the Consumer Price Index.			
40	J. The Department of Medical Assistance Services shall not require dentists who agree to			
41	participate in the delivery of Medicaid pediatric dental care services, or services provided to			
42	enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of			
43	FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed			
44	care vendor, unless the dentist is a willing participant in the commercial managed care plan.			
45	K. It is the intent of the General Assembly that the use of the new atypical medications to treat			
46	seriously mentally ill Medicaid recipients should be supported by the formularies used to			
47	reimburse claims under the Medicaid fee-for-service and managed care plans.			
48	L.1. The Department of Medical Assistance Services shall have the authority to seek federal			
49	approval of changes to its MEDALLION waiver and its Medallion II waiver.			
50	2. In order to conform the state regulations to the federally approved changes and to implement			
51	the provisions of this act, the department shall promulgate emergency regulations to become			
52	effective within 280 days or less from the enactment of this act. The department shall			
53	implement these necessary regulatory changes to be consistent with federal approval of the			
54	waiver changes.			
55	M. The Department of Medical Assistance Services shall develop and pursue cost saving			

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1	strategies internally and with the cooperation of the Department of Social Services, Virginia				
2	Department of Health, Office of the Attorney General, Comprehensive Services Act program,				
3	Department of Education, Department of Juvenile Justice, Department of Behavioral Health and				
4	Developmental Services, Virginia Department for the Aging, Department of the Treasury,				
5	University of Virginia Health System, Virginia Commonwealth University Health System				
6	Authority, Department of Corrections, federally qualified health centers, local health				
7	departments, local school divisions, community service boards, local hospitals, and local				
8	governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues				
9	generated through these activities shall be transferred to the Virginia Health Care Fund to be				
10	used for the purposes specified in this Item.				
11	N. The Department of Medical Assistance Services shall retain the savings necessary to				
12	reimburse a vendor for its efforts to implement paragraph M of this Item. However, prior to				
13	reimbursement, the department shall identify for the Secretary of Health and Human Resources				
14	each of the vendor's revenue maximization efforts and the manner in which each vendor would				
15	be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the				
16	above plan by the Secretary.				
17	O. The Department of Medical Assistance Services in cooperation with the State Executive				
18	Council, shall provide semi-annual training to local Comprehensive Services Act teams on the				
19	procedures for use of Medicaid for residential treatment and treatment foster care services,				
20	including, but not limited to, procedures for determining eligibility, billing, reimbursement, and				
21	related reporting requirements. The department shall include in this training information on the				
22	proper utilization of inpatient and outpatient mental health services as covered by the Medicaid				
23	State Plan.				
24	P.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical				
25	Assistance Services, in consultation with the Department of Behavioral Health and				
26	Developmental Services, shall amend the State Plan for Medical Assistance Services to modify				
27	the delivery system of pharmaceutical products to include a Preferred Drug List. In developing				
28	the modifications, the department shall consider input from physicians, pharmacists,				
29	pharmaceutical manufacturers, patient advocates, and others, as appropriate.				
30	2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the				
31	development and ongoing administration of the Preferred Drug List program. The Pharmacy				
32	and Therapeutics Committee shall be composed of 8 to 12 members, including the				
33	Commissioner, Department of Behavioral Health and Developmental Services, or his designee.				
34	Other members shall be selected or approved by the department. The membership shall include				
35	a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half				
36	of the physicians and pharmacists are either direct providers or are employed with organizations				
37	that serve recipients for all segments of the Medicaid population. Physicians on the committee				
38	shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes				
39	in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom				
40	shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in				
41	community-based mental health treatment. The Pharmacy and Therapeutics Committee shall				
42	recommend to the Department (i) which therapeutic classes of drugs should be subject to the				
43	Preferred Drug List program and prior authorization requirements; (ii) specific drugs within				
44	each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for				
45	medications, including atypical anti-psychotics, used for the treatment of serious mental				
46	illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions				
47	for medications used for the treatment of brain disorders, cancer and HIV-related conditions;				
48	(v) appropriate exclusions for therapeutic classes in which there is only one drug in the				
49	therapeutic class or there is very low utilization, or for which it is not cost-effective to include				
50	in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior				
51	authorization would interfere with established complex drug regimens that have proven to be				
52	clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness				
53	of any given drug shall be considered only after it is determined to be safe and clinically				
54	effective.				
55	b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually				
56	and may meet at other times at the discretion of the chairperson and members. At the				
57	meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to				
58	the Preferred Drug List that is newly approved by the Federal Food and Drug Administration,				
59	provided there is at least thirty (30) days notice of such approval prior to the date of the				

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1	quarterly meeting.				
2	3. The department shall establish a process for acting on the recommendations made by the				
3	Pharmacy and Therapeutics Committee, including documentation of any decisions which				
4	deviate from the recommendations of the Committee.				
5	4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour				
6	emergency supply of the prescribed drug when requested by a physician and a dispensing fee				
7	to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within				
8	24 hours and timely notification of the recipient and/or the prescribing physician of any delays				
9	or negative decisions; (iii) an expedited review process of denials by the department; and (iv)				
10	consumer and provider education, training and information regarding the Preferred Drug List				
11	prior to implementation, and ongoing communications to include computer access to				
12	information and multilingual material.				
13	5. The Preferred Drug List program shall generate savings as determined by the department that				
14	are net of any administrative expenses to implement and administer the program.				
15	6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the				
16	Department of Medical Assistance Services shall promulgate emergency regulations to become				
17	effective within 280 days or less from the enactment of this act. With respect to such state plan				
18	amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall				
19	not apply. In addition, the department shall work with the Department of Behavioral Health and				
20	Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid				
21	clients.				
22	7. The Department of Medical Assistance Services shall (i) exempt antidepressant, antianxiety				
23	and antipsychotic medications used for the treatment of mental illness from the Medicaid				
24	Preferred Drug List program; (ii) continually review utilization of behavioral health medications				
25	under the State Medicaid Program for Medicaid recipients; and (iii) ensure appropriate use of				
26	these medications according to federal Food and Drug Administration (FDA) approved				
27	indications and dosage levels. The department may also require retrospective clinical				
28	justification according to FDA approved indications and dosage levels for the use of multiple				
29	behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger				
30	who are prescribed three or more behavioral health drugs, the department may implement				
31	clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in				
32	accordance with FDA-approved indications and dosage levels. The department shall report on				
33	the utilization and cost of drugs exempted under the provisions of this paragraph to the				
34	Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2010.				
35					
36	Q. The Department of Medical Assistance Services shall reimburse school divisions who sign				
37	an agreement to provide administrative support to the Medicaid program and who provide				
38	documentation of administrative expenses related to the Medicaid program 50 percent of the				
39	Federal Financial Participation by the department.				
40	R. In the event that the Department of Medical Assistance Services decides to contract for				
41	pharmaceutical benefit management services to administer, develop, manage, or implement				
42	Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor				
43	based on the reasonable cost of services provided. The department may not offer or pay				
44	directly or indirectly any material inducement, bonus, or other financial incentive to a program				
45	contractor based on the denial or administrative delay of medically appropriate prescription				
46	drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in				
47	the proportion of beneficiaries who receive prescription drug therapy under the Medicaid				
48	program. Bonuses cannot be based on the percentage of cost savings generated under the				
49	benefit management of services.				
50	S.1. The Department of Medical Assistance Services shall amend the State Plan for Medical				
51	Assistance to modify the reimbursement methodology used to reimburse for generic drug				
52	products. The new methodology shall reimburse for the product cost based on a Maximum				
53	Allowable Cost list to be established by the department. Such amendments shall be effective				
54	within 280 days or less from the enactment of this act.				

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1	2. In developing the maximum allowable cost (MAC) reimbursement rate for generic				
2	pharmaceuticals, the department shall: (i) if publicly available, publish the factors used to set				
3	state MAC rates, including the identity of the reference product used to set the MAC rate; the				
4	GCN number of the reference product; the factor by which the MAC rate exceeds the reference				
5	product price, which shall be not less than 110 percent of the lowest-published wholesale				
6	acquisition cost for products widely available for purchase in the state, and included in national				
7	pricing compendia; and the identity and date of the published compendia used to determine the				
8	reference product and set the MAC rate; (ii) identify three different suppliers that are able to				
9	supply the product and from whom pharmacies are able to purchase sufficient quantities of the				
10	drug. The drugs considered must be listed as therapeutically and pharmaceutically equivalent in				
11	the FDA's most recent version of the "Orange Book"; (iii) identify that the use of a MAC rate				
12	is lower than the Federal Upper Limit (FUL) for the drug, or the development of a MAC rate				
13	that does not have a FUL will not result in the use of higher-cost innovator brand name or				
14	single source drugs in the Medicaid program; and (iv) distribute the list of state MAC rates to				
15	pharmacy providers in a timely manner prior to the implementation of MAC rates and				
16	subsequent modifications.				
17	3. The department shall: (i) review and update the list of MAC rates at least quarterly; (ii)				
18	implement and maintain a procedure to eliminate products from the list, or modify MAC rates,				
19	consistent with changes in the marketplace; and (iii) provide an administrative appeals				
20	procedure to allow a dispensing provider to contest a listed MAC rate.				
21	4. The department shall conduct an analysis of the fiscal impact of the implementation of				
22	"Average Manufacturer Price" (AMP), as required by the federal Deficit Reduction Act of				
23	2005, Public Law 109-171. Upon the later of April 15, 2008, or 90 days after the effective date				
24	of the regulation that the United States Secretary of Health and Human Services must				
25	promulgate under Section 6001(c)(3) of the 'Deficit Reduction Act of 2005,' Pub. L. No.				
26	109-171, the department shall report to the Governor and the chairmen of the Senate Finance				
27	and House Appropriations Committees the amount of savings anticipated in the Medicaid				
28	Forecast as a result of this change in federal law. In the event that anticipated pharmacy				
29	savings exceed the amount of savings assumed in the Medicaid Forecast, the department shall				
30	make recommendations concurrently with the report regarding the adjustment of pharmacy				
31	dispensing fees based on the impact of changes in local pharmacy reimbursements.				
32	T.1. The estimated revenue for the Virginia Health Care Fund is \$287,743,698 the first year				
33	and \$299,596,830 \$283,583,707 the second year, to be used pursuant to the uses stated in				
34	§32.1-367, Code of Virginia.				
35	2. Notwithstanding §32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5				
36	percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco				
37	product manufacturers, as defined in §3.2-3100, Code of Virginia, to the Virginia Health Care				
38	Fund.				
39	3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent				
40	of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the				
41	Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care				
42	Fund.				
43	4. Out of this appropriation, the dedicated special fund appropriation for Medicaid Program				
44	Services includes \$285,993,227 the first year and \$297,592,267 \$281,579,144 the second year				
45	from the Virginia Health Care Fund.				
46	5. Out of the amounts estimated in paragraph T.1., \$1,750,471 the first year and \$2,004,563 the				
47	second year is appropriated in Item 296 to be used as state match for the Children's Health				
48	Insurance Program.				
49	U. The Department of Medical Assistance Services shall ensure that in the process of				
50	developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the				
51	value of including those prescription medications which improve drug regimen compliance,				
52	reduce medication errors, or decrease medication abuse through the use of medication delivery				
53	systems that include, but are not limited to, transdermal and injectable delivery systems.				
54	V. The Department of Medical Assistance Services, in cooperation with the Department of				
55	Social Services' Division of Child Support Enforcement, shall identify and initiate third party				

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1	recovery actions where there is a medical support order requiring a noncustodial parent to				
2	contribute to the medical cost of a child who is enrolled in the Medicaid or Family Access to				
3	Medical Insurance Security (FAMIS) Programs.				
4	W.1. Within the limits of this appropriation, the Department of Medical Assistance Services				
5	shall work with its contracted managed care organizations and fee-for-service health care				
6	providers to: (i) raise awareness among the providers who serve the Medicaid population about				
7	the health risks of chronic kidney disease; (ii) establish effective means of identifying patients				
8	with this condition; and (iii) develop strategies for improving the health status of these				
9	patients. The department shall work with the National Kidney Foundation to prepare and				
10	disseminate information for physicians and other health care providers regarding generally				
11	accepted standards of clinical care and the benefits of early identification of individuals at				
12	highest risk of chronic kidney disease.				
13	2. Effective July 1, 2006, the department shall request any clinical laboratory performing a				
14	serum creatinine test on a Medicaid recipient over the age of 18 years to calculate and report to				
15	the physician the estimated glomerular filtration rate (eGFR) of the patient and shall report it as				
16	a percent of kidney function remaining.				
17	X. The Director, Department of Planning and Budget is authorized to transfer amounts, as				
18	needed, from Medicaid Program Services (program 45600) to Administrative and Support				
19	Services (program 49900) to fund administrative expenditures associated with contracts between				
20	the Department of Medical Assistance Services and companies providing disease state and				
21	chronic care management programs services for Medicaid recipients.				
22	Y.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that				
23	an overpayment for medical assistance services has been made to a provider, the Director,				
24	Department of Medical Assistance Services shall notify the provider of the amount of the				
25	overpayment. Such notification of overpayment shall be issued within the earlier of (i) four				
26	years after payment of the claim or other payment request, or (ii) four years after filing by the				
27	provider of the complete cost report as defined in the Department of Medical Assistance				
28	Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost				
29	report as defined in the Department of Medical Assistance Services' regulations subsequent to				
30	sale of the facility or termination of the provider.				
31	2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an				
32	informal fact-finding conference decision concerning provider reimbursement in accordance				
33	with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and				
34	applicable federal law. The informal fact-finding conference decision shall be issued within 180				
35	days of the receipt of the appeal request. If the agency does not render an informal fact-finding				
36	conference decision within 180 days of the receipt of the appeal request, the decision is				
37	deemed to be in favor of the provider. An appeal of the director's informal fact-finding				
38	conference decision concerning provider reimbursement shall be heard in accordance with				
39	§ 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for				
40	Medical Assistance provided for in § 32.1-325, Code of Virginia. Once a final agency case				
41	decision has been made, the director shall undertake full recovery of such overpayment whether				
42	or not the provider disputes, in whole or in part, the informal fact-finding conference decision				
43	or the final agency case decision. Interest charges on the unpaid balance of any overpayment				
44	shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case				
45	decision becomes final.				
46	Z. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42				
47	U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital				
48	pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.				
49	AA.1. The Department of Medical Assistance Services may amend the State Plan for Medical				
50	Assistance Services to modify the delivery system of pharmaceutical products to include a				
51	specialty drug program. In developing the modifications, the department shall consider input				
52	from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy				
53	Liaison Committee, and others as appropriate.				
54	2. In developing the specialty drug program to implement appropriate care management and				
55	control drug expenditures, the department shall contract with a vendor who will develop a				
56	methodology for the reimbursement and utilization through appropriate case management of				

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1	specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization				
2	guidelines to medical and pharmacy providers in a timely manner prior to the implementation				
3	of the specialty drug program and publish the same on the department's website.				
4	3. In the event that the Department of Medical Assistance Services contracts with a vendor, the				
5	department shall establish the fee paid to any such contractor based on the reasonable cost of				
6	services provided. The department may not offer or pay directly or indirectly any material				
7	inducement, bonus, or other financial incentive to a program contractor based on the denial or				
8	administrative delay of medically appropriate prescription drug therapy, or on the decreased use				
9	of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who				
10	receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the				
11	percentage of cost savings generated under the benefit management of services.				
12	4. The department shall: (i) review, update and publish the list of authorized specialty drugs,				
13	utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to				
14	revise the list or modify specialty drug program utilization guidelines and rates, consistent with				
15	changes in the marketplace; and (iii) provide an administrative appeals procedure to allow				
16	dispensing or prescribing provider to contest the listed specialty drugs and rates.				
17	5. The department shall report on savings and quality improvements achieved through the				
18	implementation measures for the specialty drug program to the Chairmen of the House				
19	Appropriations and Senate Finance Committees, the Joint Commission on Health Care, and the				
20	Department of Planning and Budget by November 1 of each year.				
21	6. The department shall have authority to enact emergency regulations under § 2.2-4011 of the				
22	Administrative Process Act to effect these provisions.				
23	BB. The Department of Medical Assistance Services shall work with representatives of the				
24	nursing home provider associations to develop a revised cost-reporting methodology which				
25	improves the timeliness and efficiency of the current process. A specific goal of such an				
26	enhanced process would be to decrease by one year the look-back period used within the				
27	biennial cost ceiling rebase determination.				
28	CC. The Department of Medical Assistance Services shall have the authority to amend the				
29	State Plan of Medical Assistance Services, the Virginia Plan for Title XXI of the Social				
30	Security Act and the Family Access the Medical Insurance Security Plan to implement				
31	modifications to the Medicaid program to comply with the mandated provisions of the federal				
32	Children's Health Insurance Program Reauthorization Act of 2009. This authorization shall				
33	apply only to those provisions the states are required to implement within 280 days of				
34	enactment of this Appropriation Act. The department shall have the authority to enact				
35	emergency regulations under § 2.2-4011 of the Administrative Process Act to effect this				
36	provision. The department shall notify the Chairmen of the House Appropriations and Senate				
37	Finance Committees no less than 30 days prior to the submission of amendments to the State				
38	Plan of Medical Assistance Services.				
39	DD. The Department of Medical Assistance Services, in consultation with the appropriate				
40	stakeholders, shall develop a long-range blueprint for the development and implementation of				
41	an integrated acute and long-term care system. This plan shall: (i) explain how the various				
42	community and state level stakeholders will be involved in the development and				
43	implementation of the new program model(s); (ii) describe the various steps for development				
44	and implementation of the program model(s), including a review of other states' models,				
45	funding, populations served, services provided, education of clients and providers, and location				
46	of programs; (iii) describe how the existing system is funded and how integration will impact				
47	funding; and (iv) describe the evaluation methods that will be used to ensure that the program				
48	provides access, quality, and consumer satisfaction.				
49	EE. The Department of Medical Assistance Services shall implement one or more Program for				
50	All Inclusive Care for the Elderly (PACE) programs.				
51	FF. The Department of Medical Assistance Services shall amend its State Plan for Medical				
52	Assistance Services to develop and implement a regional model for the integration of acute and				
53	long-term care services. This model would be offered to elderly and disabled clients on a				
54	mandatory basis. The department shall promulgate emergency regulations to implement this				
55	amendment within 280 days or less from the enactment of this act.				

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1	GG.1. The Director, Department of Medical Assistance Services shall seek the necessary waiver from the United States Centers for Medicare and Medicaid Services to expand eligibility for Medicaid coverage of family planning services to individuals with a family income up to 133 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The Department of Medical Assistance Services shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.			
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9	2. The Department of Medical Assistance Services shall, if feasible and consistent with federal requirements, seek the necessary waiver from the Centers for Medicare and Medicaid Services to expand eligibility for Medicaid coverage of family planning services to individuals with a family income above 133 percent of the federal poverty level up to an eligibility level that will not compromise federal budget neutrality for the waiver, but not to exceed 200 percent of the federal poverty level.			
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15	HH.1. Contingent upon approval by the Centers for Medicare and Medicaid Services as part of the Money Follows the Person demonstration grant, the Department of Medical Assistance Services shall seek federal approval for necessary changes to home and community-based 1915(c) waivers to allow individuals transitioning from institutions to receive care in the community. The Department of Medical Assistance Services shall promulgate any necessary emergency regulations within 280 days or less from the enactment date of this act.			
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21	2. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add up to 30 new slots (up to 15 each fiscal year) and the Intellectual Disabilities (ID) Waiver to add up to 220 new slots (up to 110 each fiscal year) which will be reserved for individuals transitioning out of institutional settings through the Money Follows the Person Demonstration. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD and ID waiver applications to add the additional slots.			
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29	II. The Department of Medical Assistance Services shall have the authority to amend the managed care waiver to allow the department to enroll adoption assistance recipients into managed care organizations as defined in 12 VAC 30-120-360 through 12 VA 30-120-420. In addition, the department shall have the authority to amend the State Plans for Titles XIX (Medical Assistance) and XXI (Family Access to Medical Insurance Security Plan - FAMIS) of the Social Security Act, as required by applicable statute and regulations to provide managed care services to adoption assistance recipients. The Department of Medical Assistance Services shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.			
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37	JJ. The Department of Medical Assistance Services shall be authorized, in collaboration with the Virginia Commonwealth University Health System (VCUHS), to seek a waiver from the Centers for Medicare and Medicaid Services (CMS) to permit use of Disproportionate Share Hospital (DSH) funds to allow the VCUHS (Hospital and Physician Practice) to continue the existing partnership with community physicians and with any community hospitals who are providing less costly health care services to eligible indigent patients for VCUHS. As part of the waiver application process the parties shall develop estimates of the cost of the program to the state and federal governments, and shall report the findings to the Governor and to the Chairman of the House Appropriations and the Senate Finance Committees. If the Director, Department of Planning and Budget, determines that the waiver program would not require additional state funds, the program shall be implemented upon receiving CMS approval. If additional state funding is needed, the program shall not be implemented until such funding is authorized through the budget process.			
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50	KK. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.			
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55	LL. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its managed care waiver to limit the Primary Case Management program to localities of the state with only one participating managed care organization. The			
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1	department shall have the authority to promulgate emergency regulations to implement this				
2	amendment within 280 days or less from the enactment of this act.				
3	MM. Effective July 1, 2009, the department shall have the authority to amend the State Plan				
4	for Medical Assistance to eliminate reimbursement for hospital acquired conditions in a manner				
5	similar to the Medicare initiative implemented October 1, 2008. The department shall have the				
6	authority to implement this reimbursement change effective July 1, 2009, and prior to the				
7	completion of any regulatory process undertaken in order to effect such change. The				
8	department shall also revise its medical necessity criteria to be consistent with Medicare				
9	national coverage determinations as part of the overall Medicare initiative.				
10	NN.1. The Department of Medical Assistance Services shall delay the last quarterly payment of				
11	certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first				
12	quarter of the following year. Quarterly payments that shall be delayed from each June to each				
13	July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments,				
14	and Direct Medical Education payments. The department shall have the authority to implement				
15	this reimbursement change effective upon passage of this act, and prior to the completion of				
16	any regulatory process undertaken in order to effect such change.				
17	2. Notwithstanding paragraph NN.1. in this Item, the department shall pay, in the last quarter				
18	of the first year, the last quarterly hospital payment amounts of that year that are for Indirect				
19	Medical Education and Direct Medical Education. Disproportionate Share Hospital payments				
20	shall be paid as directed in paragraph NN.1.				
21	OO.1. The Department of Medical Assistance Services shall make the monthly capitation				
22	payment to managed care organizations for the member months of each month in the first week				
23	of the subsequent month. The department shall have the authority to implement this				
24	reimbursement schedule change effective upon passage of this act, and prior to the completion				
25	of any regulatory process undertaken in order to effect such change.				
26	2. Notwithstanding paragraph OO.1. in this Item, the department shall pay in June of 2011 the				
27	monthly capitation payment to managed care organizations for the member months of June				
28	2011.				
29	PP. 1. In every June the remittance that would normally be paid to providers on the last				
30	remittance date of the state fiscal year shall be delayed one week longer than is normally the				
31	practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This				
32	change does not apply to providers who are paid a per-month capitation payment. The				
33	department shall have the authority to implement this reimbursement change effective upon				
34	passage of this act, and prior to the completion of any regulatory process undertaken in order				
35	to effect such change.				
36	2. Notwithstanding paragraph PP.1. in this Item, the department shall pay the final remittance				
37	of June 2011 in the first year.				
38	3. The Department of Planning and Budget is authorized to transfer amounts, as needed,				
39	between this Item and Items 295, 296, and 299 to address the changes in appropriation				
40	necessary to fund the programs impacted by a suspension of the final weekly remittance				
41	payment delay as required in paragraph PP. of this Item.				
42	QQ. Upon approval by the Centers for Medicare and Medicaid Services of the application for				
43	renewal of the Mental Retardation Waiver, expeditious implementation of any revisions shall be				
44	deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act.				
45	Therefore, to meet this emergency situation, the Department of Medical Assistance Services				
46	shall promulgate emergency regulations to implement the provisions of this act.				
47	RR. The Department of Medical Assistance Services, to the extent permissible under federal				
48	law, shall enter into an agreement with local Healthy Families sites so that qualifying funds				
49	may be used at the discretion of each site for obtaining matching nongeneral funds when				
50	available.				
51	SS. The Department of Medical Assistance Services shall provide information to personal care				
52	agency providers regarding the options available to meet staffing requirements for personal care				
53	aides including the completion of provider-offered training or DMAS Personal Care Aide				

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1	Training Curriculum.				
2	TT. The Department of Medical Assistance Services, in consultation with the Department of				
3	Behavioral Health and Developmental Services, shall amend the State Plan for Medical				
4	Assistance Services in order to comply with the payor of last resort requirements of Part C of				
5	the Individuals with Disabilities Education Act (IDEA) of 2004. The Department of Medical				
6	Assistance Services shall promulgate regulations to become effective within 280 days or less				
7	from the enactment date of this act. The department shall implement these necessary regulatory				
8	changes to be consistent with federal requirements for the Part C program.				
9	UU. The Department of Medical Assistance Services shall impose an assessment equal to 5.5				
10	percent of revenue on all ICF-MR providers. The department shall determine procedures for				
11	collecting the assessment, including penalties for non-compliance. The department shall have				
12	the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.				
13	The department shall implement this change effective July 1, 2011, or on the earliest date				
14	thereafter when it is determined that such change will not jeopardize the increased Federal				
15	Medical Assistance Percentage established under the American Recovery and Reinvestment Act				
16	of 2009 (P.L. 111-5) and any extension thereof through subsequent federal legislation.				
17	VV. The Department of Medical Assistance Services shall eliminate supplemental coverage of				
18	regular and intensive assisted living services. The department shall implement this change				
19	effective July 1, 2010, and prior to the completion of any regulatory process undertaken in				
20	order to effect such change.				
21	WW. The Department of Medical Assistance Services shall amend certain 1915 (c) home-				
22	and-community based waivers and the Children's Mental Health demonstration grant to				
23	decrease the annual respite care hours from 720 to 480. The 1915 (c) waivers shall include the				
24	Alzheimer's Assisted Living, Day Support, Elderly or Disabled with Consumer Direction,				
25	Individual and Family Developmental Disabilities Support, Intellectual Disabilities, and				
26	HIV/AIDs Waivers. The department shall implement this change effective July 1, 2011, and				
27	prior to the completion of any regulatory process undertaken in order to effect such change.				
28	XX. The Department of Medical Assistance Services shall amend the Children's Mental Health				
29	demonstration grant program eligibility requirements in order to permit a child to be evaluated				
30	as a separate assistance unit of one, regardless of whether the child is living in the home with a				
31	parent or guardian, or siblings. The department shall implement this change effective July 1,				
32	2010, and prior to the completion of any regulatory process undertaken in order to effect such				
33	change.				
34	YY. The Department of Medical Assistance Services shall make programmatic changes in the				
35	provision of Intensive In-Home services and Community Mental Health services in order ensure				
36	appropriate utilization and cost efficiency. The department shall consider all available options				
37	including, but not limited to, prior authorization, utilization review and provider qualifications.				
38	The Department of Medical Assistance Services shall promulgate regulations to implement				
39	these changes within 280 days or less from the enactment date of this act.				
40	ZZ.1. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and				
41	§32.1-323.2 of the Code of Virginia, and paragraph ZZ.2. of this item, the Department of				
42	Medical Assistance Services shall not add any slots under the Mental Retardation Medicaid				
43	Waiver (now referred to as the Intellectual Disabilities Waiver) or the Individual and Family				
44	Developmental Disabilities and Support Medicaid Waiver in either the first or second year,				
45	other than those slots authorized to specifically support the Money Follows the Person				
46	Demonstration or individuals who are exiting Southeastern Virginia Training Center or other				
47	state institutions.				
48	2. If there is an extension through June 30, 2011 of increased Federal Medical Assistance				
49	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the Department				
50	of Medical Assistance Services shall amend the 1915 (c) home- and community-based				
51	Intellectual Disabilities waiver to add 250 slots effective July 1, 2010 to address the community				
52	waiting list. This contingent appropriation is subject to the provisions of paragraph KKKK. in				
53	this Item.				
54	3. The Department of Medical Assistance Services shall amend the 1915 (c) home- and				
55	community-based Intellectual Disabilities waiver to add 30 waiver slots for Medicaid recipients				

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1	who are exiting Southeastern Virginia Training Center according to the following schedule: 15			
2	waiver slots effective July 1, 2010 and 15 additional waiver slots effective July 1, 2011.			
3	4. The Department of Medical Assistance Services shall amend the 1915 (c) home- and			
4	community-based Intellectual Disabilities waiver to add 275 slots effective July 1, 2011.			
5	5. The Department of Medical Assistance Services shall amend the Individual and Family			
6	Developmental Disabilities Support (DD) Waiver to add 150 new slots effective July 1, 2011.			
7	The Department of Medical Assistance Services shall seek federal approval for necessary			
8	changes to the DD applications to add the additional slots.			
9	AAA.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the			
10	State Plan for Medical Assistance to eliminate the incentive plan for long-stay hospitals. The			
11	department shall also eliminate the inflation increase for rates in FY 2011 and FY 2012 and			
12	freeze ceilings in FY 2011 and FY 2012 at the same level as the ceilings for long stay			
13	hospitals with fiscal year ends of June 30, 2010. The department shall have the authority to			
14	implement this reimbursement change effective July 1, 2010, and prior to the completion of			
15	any regulatory process undertaken in order to effect such change. If there is an extension			
16	through June 30, 2011 of increased Federal Medical Assistance Percentage under the American			
17	Recovery and Reinvestment Act (P.L. 111-5), the first year amounts reduced in this paragraph			
18	related to elimination of the incentive plan shall not become effective. This contingent			
19	appropriation is subject to the provisions of paragraph KKKK. in this Item.			
20	2. No additional changes shall be made to the incentive plan effective October 1, 2010.			
21	BBB.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the			
22	State Plan for Medical Assistance to make the following changes:			
23	a. Rebase hospital DRG weights, case rates, psych and rehab per diem rates except that 2008			
24	base year costs shall only be increased 2.58 percent. Operating rates in FY 2012 shall not be			
25	increased by inflation. The department shall not replace through other payment mechanisms the			
26	losses of Type One hospitals from this limitation on base year cost increases unless the			
27	provider is able to transfer the state share or certify the public expenditures.			
28	b. Revise the inpatient hospital Medicaid utilization percent from 15 percent to 14 percent to			
29	determine DSH eligibility and rebase regular DSH reimbursement for all hospitals but reduce			
30	the final calculation by a uniform percentage such that total expenditures in FY 2011 do not			
31	exceed expenditures in FY 2010 separately for Type 1 and Type 2 hospitals. The department			
32	shall calculate the reduction after implementing other changes to DSH eligibility. DSH			
33	payments in FY 2012 shall not be increased by inflation.			
34	c. Eliminate the FY 2011 and FY 2012 adjustments for inflation for graduate medical education			
35	per resident amounts. The department shall not replace through other payment mechanisms the			
36	losses of Type One hospitals from this limitation on base year cost increases unless the			
37	provider is able to transfer the state share or certify the public expenditures.			
38	2. The department shall have the authority to implement these reimbursement changes effective			
39	July 1, 2010, and prior to the completion of any regulatory process undertaken in order to			
40	effect such change.			
41	CCC. Effective July 1, 2010, through June 30, 2012, the Department of Medical Assistance			
42	Services shall freeze rates for freestanding psychiatric hospitals at the FY 2010 level. The			
43	department shall have the authority to implement these reimbursement changes effective July 1,			
44	2010, and prior to the completion of any regulatory process undertaken in order to effect such			
45	change.			
46	DDD.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the			
47	State Plan for Medical Assistance to make the following changes:			
48	a. Eliminate the adjustment for inflation of nursing facility and specialized care operating rates			
49	for days of service in fiscal year 2011 and fiscal year 2012 and to freeze nursing facility and			
50	specialized care ceilings in fiscal year 2011 and fiscal year 2012 at the same level as the			
51	ceilings for nursing facilities with fiscal years end of June 30, 2010.			

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1	b. Further reduce nursing facility direct and indirect care payment rates and specialized care				
2	operating rates by three percent below the rates that otherwise would have been in effect after				
3	application of paragraph DDD.1.a. in fiscal year 2011 .				
4	c. Provide that the floor for the nursing facility FRV "rental rate" shall be 8.75 percent in fiscal				
5	year 2011 and 8.0 percent in fiscal year 2012.				
6	2. The department shall have the authority to implement these reimbursement changes effective				
7	July 1, 2010, and prior to the completion of any regulatory process undertaken in order to				
8	effect such change. If there is an extension through June 30, 2011 of increased Federal Medical				
9	Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the				
10	first year reductions in paragraph DDD.1.b. and paragraph DDD.1.c. shall not become effective.				
11	This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.				
12	EEE.1. Effective July 1, 2010, the Department of Medical Assistance Services shall not adjust				
13	rates or the rate ceiling of residential psychiatric facilities for inflation.				
14	2. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce				
15	reimbursements to residential psychiatric facilities to achieve an additional savings in the first				
16	year of \$1,321,092 general fund and \$1,667,128 nongeneral fund and in the second year of				
17	\$1,985,800 general fund and \$1,985,800 nongeneral fund. If there is an extension through June				
18	30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and				
19	Reinvestment Act (P.L. 111-5), the first year reduction in paragraph EEE.2. shall not become				
20	effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this				
21	Item.				
22	FFF. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the				
23	State Plan for Medical Assistance to eliminate the FY 2011 and FY 2012 inflation adjustment				
24	for home health agencies. The department shall have the authority to implement this				
25	reimbursement change effective July 1, 2010, and prior to the completion of any regulatory				
26	process undertaken in order to effect such change.				
27	GGG. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the				
28	State Plan for Medical Assistance to eliminate the FY 2011 and FY 2012 inflation adjustment				
29	for outpatient rehabilitation agencies. The department shall have the authority to implement this				
30	reimbursement change effective July 1, 2010, and prior to the completion of any regulatory				
31	process undertaken in order to effect such change.				
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37	MMM.1. Effective July 1, 2010 through Jun 30, 2011, the Department of Medical Assistance				
38	Services shall amend the State Plan for Medical Assistance to eliminate additional Indirect				
39	Medical Education (IME) payments based on NICU utilization (described in 12 VAC				
40	30-70-291.D), except for hospitals with greater than 50 percent overall Medicaid utilization, or				
41	NICU days (described in 12 VAC 30-70-291.E). The amount of IME to be apportioned among				
42	the remaining hospitals that qualify under 12 VAC 30-70-291.D shall be \$1,900,000 total funds				
43	the first year. The department shall have the authority to implement this reimbursement change				
44	effective July 1, 2010, and prior to the completion of any regulatory process undertaken in				
45	order to effect such change.				
46	2. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State				
47	Plan for Medical Assistance governing Medicaid reimbursements for hospitals to provide an				
48	increase in Indirect Medical Education payments for non-state owned hospitals that have				
49	Medicaid Neonatal Intensive Care Unit (NICU) utilization greater than 4,500 Medicaid NICU				
50	inpatient days using base year 2003 data, as reported to the Department as of March 1, 2005.				
51	Out of this appropriation, \$250,000 from the general fund and \$250,000 from nongeneral funds				

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1	the second year shall be provided for this purpose. The department shall have the authority to				
2	implement this reimbursement change effective July 1, 2011, and prior to the completion of				
3	any regulatory process undertaken in order to effect such change.				
4	3. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State				
5	Plan for Medical Assistance to provide for an additional IME payment not to exceed \$200,000				
6	for all Type Two hospitals who had Medicaid NICU utilization in excess of 50 percent as				
7	reported to the Department as of March 1, 2004, have total Medicaid utilization under 50				
8	percent and who do not otherwise receive an additional IME payment. The department shall				
9	have the authority to implement this reimbursement change effective July 1, 2011, and prior to				
10	the completion of any regulatory process undertaken in order to effect such change.				
11	4. Freestanding children's hospitals are not eligible for the Indirect Medical Education payments				
12	included in subparagraphs 2 and 3.				
13	NNN.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce the				
14	rates for home and community based care waiver services by five percent, except for skilled				
15	nursing rates for services delivered to recipients in the Technology Assisted Waiver. Other than				
16	the specific exemption above, these rate reductions apply to these services whether provided to				
17	waiver recipients or to any other Medicaid or FAMIS eligible individuals.				
18	2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce the rates				
19	for home and community-based care waiver services by one percent below the rates effective				
20	October 1, 2010, except for skilled nursing rates for services delivered to recipients in the				
21	Technology Assisted Waiver. Other than the specific exemption above, these rate reductions				
22	apply to these services whether provided to waiver recipients or to any other Medicaid or				
23	FAMIS eligible individuals.				
24					
25					
26	QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical				
27	Assistance to establish annual limits for adult rehabilitation services, including physical therapy,				
28	occupational therapy, and speech therapy, provided in all settings by all providers for which				
29	states have discretion under applicable federal law. The department shall have authority to				
30	promulgate regulations to become effective within 280 days or less from the enactment date of				
31	this act.				
32					
33					
34					
35	SSS. The Department of Medical Assistance Services shall amend the State Plan for Medical				
36	Assistance to decrease the maximum reimbursement for pharmaceutical products to the Average				
37	Wholesale Price minus 13.1 percent. Such amendment shall become effective July 1, 2010. If				
38	there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage				
39	under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in				
40	this paragraph shall not become effective. This contingent appropriation is subject to the				
41	provisions of paragraph KKKK. in this Item.				
42	TTT.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the				
43	State Plan for Medical Assistance to establish a threshold for out-of-state cost reporting				
44	hospitals to qualify for disproportionate share hospital payments. In addition to meeting all				
45	other requirements, out-of-state cost reporting hospitals must have Virginia Medicaid utilization				
46	in the base year of at least 12 percent of total Medicaid days. Out-of-state cost reporting				
47	hospitals that do not meet the 12 percent threshold shall be compensated at 50 percent of the				
48	rate that they otherwise would have received under the current payment methodology as				
49	modified in this Act. The department shall have the authority to implement this reimbursement				
50	change effective July 1, 2010, and prior to the completion of any regulatory process undertaken				
51	in order to effect such change.				

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1	2. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State				
2	Plan for Medical Assistance to establish a threshold for out-of-state cost reporting hospitals to				
3	qualify for indirect medical education payments. In addition to meeting all other requirements,				
4	out-of-state cost reporting hospitals must have Virginia Medicaid utilization in the base year of				
5	at least 12 percent of total Medicaid days. The department shall have the authority to				
6	implement this reimbursement change effective July 1, 2010, and prior to the completion of				
7	any regulatory process undertaken in order to effect such change.				
8	UUU. Effective July 1, 2010, the Department of Medical Assistance Services (DMAS) shall				
9	amend the State Plan for Medical Assistance to modify reimbursement for Durable Medical				
10	Equipment (DME) to:				
11	a. Reduce reimbursement for DME that has a Durable Medical Equipment Regional Carrier				
12	(DMERC) rate from 100 percent of Medicare reimbursement level to 90 percent of the				
13	Medicare level.				
14	b. Reduce fee schedule rates for DME and supplies by category-specific amounts as				
15	recommended in the November 1, 2009, Report on Durable Medical Equipment Reimbursement				
16	to the Senate Finance and House Appropriations Committees. The Department of Medical				
17	Assistance Services shall also modify the pricing of incontinence supplies from case to item,				
18	which is the industry standard.				
19	c. Establish rates for additional procedure codes where benchmark rates are available.				
20	d. Reimburse at cost plus 30 percent for any item not on the fee schedule. Cost shall be no				
21	more than the net manufacturer's charge to the provider, less shipping and handling.				
22	e. Determine alternate pricing for any code that does not have a rate.				
23	f. Limit service day reimbursement to intravenous and oxygen therapy equipment.				
24	2. The department shall promulgate regulations to implement this amendment within 280 days				
25	or less from the enactment of this act. <i>The department shall implement these reimbursement</i>				
26	<i>changes prior to the completion of the regulatory process.</i>				
27	VVV. The Department of Medical Assistance Services (DMAS) shall have the authority to				
28	modify reimbursement for Durable Medical Equipment for incontinence supplies based on				
29	competitive bidding subject to approval by the Centers for Medicare and Medicaid Services				
30	(CMS). The department shall have the authority to promulgate regulations to become effective				
31	within 280 days or less from the enactment of this act.				
32	WWW. Effective July 1, 2010, the Department of Medical Assistance Services (DMAS) shall				
33	amend the State Plan for Medical Assistance to modify the limit on incontinence supplies prior				
34	to requiring prior authorization. The department shall have the authority to implement this				
35	reimbursement change effective July 1, 2010, and prior to the completion of any regulatory				
36	process undertaken in order to effect such change.				
37	XXX. The Department of Medical Assistance Services shall work with the Department of				
38	Behavioral Health and Developmental Services and the Virginia Association of Community				
39	Services Boards to establish rates for the Intensive In-Home Service based on quality indicators				
40	and standards, such as the use of evidence-based practices.				
41					
42	.				
43	ZZZ. Effective January 1, 2011, the Department of Medical Assistance Services shall amend				
44	the State Plan for Medical Assistance to reimburse out-of-state non-cost reporting hospitals who				
45	treat Virginia Medicaid recipients inpatient operating rates that are the lesser of: (i) the amount				
46	they would be reimbursed by their state Medicaid program; or (ii) the current payment based				
47	on the statewide average operating rate. The department shall have the authority to implement				
48	this change effective January 1, 2011, and prior to the completion of any regulatory process				
49	undertaken in order to effect such change. If there is an extension through June 30, 2011, of				
50	increased Federal Medical Assistance Percentage under the American Recovery and				

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1	reinvestment Act (P.P. 111-5), the change authorized in this paragraph shall become effective			
2	July 1, 2011.			
3	AAAA.1. Effective July 1, 2010, the hospital adjustment factor for acute care and rehabilitation			
4	inpatient services for Type Two hospitals shall be 75 percent of cost and the adjustment factor			
5	for psychiatric inpatient hospital services for Type Two hospitals shall be 81 percent of cost.			
6	Corresponding changes shall be made to the hospital adjustment factors for Type One hospitals.			
7	The department shall not replace through other payment mechanisms the losses of Type One			
8	hospitals from this reduction unless the provider is able to transfer the state share or certify the			
9	public expenditures. The department shall have the authority to implement these reimbursement			
10	changes effective July 1, 2010, and prior to the completion of any regulatory process			
11	undertaken in order to effect such change.			
12				
13	3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
14	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
15	reduction in this paragraph shall not become effective. This contingent appropriation is subject			
16	to the provisions of paragraph KKKK. in this Item.			
17	4. No additional changes shall be made to adjustment factors effective October 1, 2010.			
18	BBBB.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce			
19	reimbursement for hospital outpatient services from 80 percent of cost to 77 percent of cost for			
20	Type Two hospitals and from 94.2 percent of operating cost to 91.2 percent and from 90			
21	percent of capital cost to 87 percent for Type One hospitals. The department shall not replace			
22	through other payment mechanisms the losses Type One hospitals experience from this			
23	reduction unless the provider is able to transfer the state share or certify the public			
24	expenditures. The department shall have the authority to implement these reimbursement			
25	changes effective July 1, 2010, and prior to the completion of any regulatory process			
26	undertaken in order to effect such change."			
27	2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce			
28	reimbursement for hospital outpatient services from 77 percent of cost to 76 percent of cost for			
29	Type Two hospitals and from 91.2 percent of operating cost to 90.2 percent and from 87			
30	percent of capital cost to 86 percent for Type One hospitals. The department shall not replace			
31	through other payment mechanisms the losses Type One hospitals experience from this			
32	reduction unless the provider is able to transfer the state share or certify the public			
33	expenditures.			
34	3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
35	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
36	reduction in this paragraph shall not become effective. This contingent appropriation is subject			
37	to the provisions of paragraph KKKK. in this Item.			
38	CCCC.1. Effective July 1, 2010, the Department shall reduce by 3 percent rates determined			
39	under RBRVS in 12 VAC 30-80-190 at the same time as the annual update.			
40	2. Effective July 1, 2011, the Department shall calculate the annual update to rates determined			
41	under RBRVS in 12 VAC 30-80-190 as if the reduction in subparagraph 1 had not been taken.			
42	The department shall have the authority to implement these reimbursement changes effective			
43	July 1, 2011, and prior to the completion of any regulatory process undertaken in order to			
44	effect such change.			
45	3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
46	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
47	reduction in this paragraph shall not become effective. This contingent appropriation is subject			
48	to the provisions of paragraph KKKK. in this Item.			
49	DDDD.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce			
50	the rates for dental services by 3.0 percent.			
51				

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1	3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
2	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
3	reduction in this paragraph shall not become effective. This contingent appropriation is subject			
4	to the provisions of paragraph KKKK. in this Item.			
5	4. No additional changes shall be made to dental rates effective October 1, 2010.			
6	EEEE.1. The Department of Medical Assistance Services shall amend the State Plan for			
7	Medical Assistance to decrease the dispensing fee paid to pharmacists from \$3.75 to \$3.50 per			
8	prescription per month. Such amendments to the State Plan shall become effective July 1,			
9	2011.			
10	2. No additional changes shall be made to the dispensing fee effective October 1, 2010.			
11				
12	GGGG. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
13	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
14	reductions in paragraph WW., HHH., III., JJJ., KKK., LLL. and NNN. shall not become			
15	effective. This contingent appropriation is subject to the provisions of paragraph KKKK in this			
16	item.			
17	HHHH.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend			
18	the State Plan for Medical Assistance to reduce hospital capital reimbursement from 75 percent			
19	of cost to 72 percent of cost for Type Two hospitals, except that Type Two Hospitals with			
20	greater than 50 percent Virginia Medicaid utilization shall be reduced from 80 percent of cost			
21	to 77 percent of cost, and from 100 percent of cost to 97 percent of cost for Type One			
22	hospitals. The department shall not replace through other payment mechanisms the losses of			
23	Type One hospitals from this reduction unless the provider is able to transfer the state share or			
24	certify the public expenditures. The department shall have the authority to implement this			
25	reimbursement change effective July 1, 2010, and prior to the completion of any regulatory			
26	process undertaken in order to effect such change.			
27	2. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State			
28	Plan for Medical Assistance to reduce hospital capital reimbursement from 72 percent of cost			
29	to 71 percent of cost for Type Two hospitals, except that Type Two Hospitals with greater than			
30	50 percent Virginia Medicaid utilization shall be reduced from 77 percent of cost to 76 percent			
31	of cost, and from 97 percent of cost to 96 percent of cost for Type One hospitals. The			
32	department shall not replace through other payment mechanisms the losses of Type One			
33	hospitals from this reduction unless the provider is able to transfer the state share or certify the			
34	public expenditures.			
35	3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance			
36	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year			
37	reduction in this paragraph shall not become effective. This contingent appropriation is subject			
38	to the provisions of paragraph KKKK. in this Item.			
39	III. Effective July 1, 2011, the Department of Medical Assistance Services shall retain five			
40	percent of the Federal Financial Participation for reimbursement to school divisions for medical			
41	and transportation services. This reimbursement will cover the department's costs in assisting			
42	school divisions in submitting cost reports.			
43	JJJJ.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce rates			
44	for mental health therapeutic day treatment services by three percent and require prior			
45	authorization of services. If there is an extension through June 30, 2011 of increased Federal			
46	Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L.			
47	111-5), the reduction in paragraph JJJJ1. shall not become effective. This contingent			
48	appropriation is subject to the provisions of paragraph KKKK. in this Item.			
49	2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce rates for			
50	mental health therapeutic day treatment services by four percent below the rates in effect on			
51	June 30, 2010.			
52	KKKK. The Governor shall have authority to direct that the reduction or funding, contingent			

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1	on an extension through June 30, 2011, of increased Federal Medical Assistance Percentage, be				
2	imposed, either partially or in full, as he deems necessary in order to ensure that the costs to				
3	the Commonwealth of contingent restorations in various items within this act do not exceed the				
4	amount of funding available from an extension of the increased Federal Medical Assistance				
5	Percentage.				
6	LLLL.1. The Department of Medical Assistance Services shall amend the State Plan for				
7	Medical Assistance to establish a supplemental physician payment for practice plans affiliated				
8	with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization				
9	in FY 2009 based on the difference between the upper payment limit approved by the Centers				
10	for Medicare and Medicaid Services minus \$400,000 and the reimbursement otherwise payable				
11	to physicians effective July 1, 2011. The department shall have the authority to implement				
12	these reimbursement changes effective July 1, 2011, and prior to completion of any regulatory				
13	process undertaken in order to effect such change.				
14	MMMM.1. The Department of Medical Assistance Services shall seek federal authority through				
15	the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social				
16	Security Act to expand principles of care coordination to all geographic areas, populations, and				
17	services under programs administered by the department. The expansion of care coordination				
18	shall be based on the principles of shared financial risk such as shared savings, performance				
19	benchmarks or risk and improving the value of care delivered by measuring outcomes,				
20	enhancing quality, and monitoring expenditures. The department shall engage stakeholders,				
21	including beneficiaries, advocates, providers, and health plans, during the development and				
22	implementation of the care coordination projects. Implementation shall include specific				
23	requirements for data collection to ensure the ability to monitor utilization, quality of care,				
24	outcomes, costs, and cost savings. The department shall report by November 1 of each year to				
25	the Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
26	detailing implementation progress including, but not limited to, the number of individuals				
27	enrolled in care coordination, the geographic areas, populations and services affected and cost				
28	savings achieved. Unless otherwise delineated, the department shall have authority to				
29	implement necessary changes upon federal approval and prior to the completion of any				
30	regulatory process undertaken in order to effect such change. The intent of this Item may be				
31	achieved through several steps, including, but not limited to, the following:				
32	a. In fulfillment of this Item, the department may seek any necessary federal authority through				
33	amendment to the State Plans under Title XIX and XXI of the Social Security Act, and				
34	appropriate waivers to such, to expand the current managed care program, Medallion II, to the				
35	Roanoke/Alleghany area by January 1, 2012, and far Southwest Virginia by July 1, 2012. The				
36	department shall have authority to promulgate emergency regulations to implement this				
37	amendment within 280 days or less from the enactment of this act.				
38	b. In fulfillment of this Item, the department may seek federal authority through amendments to				
39	the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to				
40	such, to allow, on a pilot basis, foster care children, under the custody of the City of Richmond				
41	Department of Social Services, to be enrolled in Medicaid managed care (Medallion II)				
42	effective July 1, 2011. The department shall have the authority to promulgate emergency				
43	regulations to implement this amendment within 280 days or less from the enactment date of				
44	this act.				
45	c. In fulfillment of this item, the department may seek federal authority to implement a care				
46	coordination program for Elderly or Disabled with Consumer Direction (EDCD) waiver				
47	participants effective October 1, 2011. This service would be provided to adult EDCD waiver				
48	participants on a mandatory basis. The department shall have authority to promulgate				
49	emergency regulations to implement this amendment within 280 days or less from the				
50	enactment of this act.				
51	d. In fulfillment of this item, the department may seek federal authority through amendments to				
52	the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow				
53	individuals enrolled in Home and Community Based Care (HCBC) waivers to also be enrolled				
54	in contracted Medallion II managed care organizations for the purposes of receiving acute and				
55	medical care services effective January 1, 2012. The department shall have authority to				
56	promulgate emergency regulations to implement this amendment within 280 days or less from				
57	the enactment of this act.				

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1	e. In fulfillment of this item, the department and the Department of Behavioral Health and				
2	Developmental Services, in collaboration with the Community Services Boards and in				
3	consultation with appropriate stakeholders, shall develop a blueprint for the development and				
4	implementation of a care coordination model for individuals in need of behavioral health				
5	services not currently provided through a managed care organization. The overall goal of the				
6	project is to improve the value of behavioral health services purchased by the Commonwealth				
7	of Virginia without compromising access to behavioral health services for vulnerable				
8	populations. Targeted case management services will continue to be the responsibility of the				
9	Community Services Boards. The blueprint shall: (i) describe the steps for development and				
10	implementation of the program model(s) including funding, populations served, services				
11	provided, timeframe for program implementation, and education of clients and providers; (ii)				
12	set the criteria for medical necessity for community mental health rehabilitation services; and				
13	(iii) include the following principles:				
14	1. Improves value so that there is better access to care while improving equity.				
15	2. Engages consumers as informed and responsible partners from enrollment to care delivery.				
16	3. Provides consumer protections with respect to choice of providers and plans of care.				
17	4. Improves satisfaction among providers and provides technical assistance and incentives for				
18	quality improvement.				
19	5. Improves satisfaction among consumers by including consumer representatives on provider				
20	panels for the development of policy and planning decisions.				
21	6. Improves quality, individual safety, health outcomes, and efficiency.				
22	7. Develops direct linkages between medical and behavioral services in order to make it easier				
23	for consumers to obtain timely access to care and services, which could include up to full				
24	integration.				
25	8. Builds upon current best practices in the delivery of behavioral health services.				
26	9. Accounts for local circumstances and reflects familiarity with the community where services				
27	are provided.				
28	10. Develops service capacity and a payment system that reduces the need for involuntary				
29	commitments and prevents default (or diversion) to state hospitals.				
30	11. Reduces and improves the interface of vulnerable populations with local law enforcement,				
31	courts, jails, and detention centers.				
32	12. Supports the responsibilities defined in the Code of Virginia relating to Community				
33	Services Boards and Behavioral Health Authorities.				
34	13. Promotes availability of access to vital supports such as housing and supported				
35	employment.				
36	14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations,				
37	strengthening the discharge planning process, improving adherence to medication regimens, and				
38	utilizing community alternatives to hospitalizations and institutionalization.				
39	15. Simplifies the administration of acute psychiatric, community mental health rehabilitation,				
40	and medical health services for the coordinating entity, providers, and consumers.				
41	16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and				
42	reports to track costs, utilization of services, and outcomes. Performance data should be				
43	explicit, benchmarked, standardized, publicly available, and validated.				
44	17. Provides actionable data and feedback to providers.				
45	18. In accordance with federal and state regulations, includes provisions for effective and				
46	timely grievances and appeals for consumers.				

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1	f. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles				
2	XIX and XXI of the Social Security Act to develop and implement a care coordination model,				
3	that is consistent with the principles in Paragraph e, for individuals in need of behavioral health				
4	services not currently provided through managed care to be effective July 1, 2012. This model				
5	may be applied to individuals on a mandatory basis. The department shall have authority to				
6	promulgate emergency regulations to implement this amendment within 280 days or less from				
7	the enactment date of this act.				
8	g. The department may seek the necessary waiver(s) and/or State Plan authorization under Title				
9	XIX of the Social Security Act to develop and implement a care coordination model for				
10	individuals dually eligible for services under both Medicare and Medicaid to be effective April				
11	4, 2012. The department shall have authority to implement necessary changes upon federal				
12	approval and prior to the completion of any regulatory process undertaken in order to effect				
13	such change.				
14	h. In fulfillment of this item, the department may seek the federal authority through amendment				
15	to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to				
16	allow for the implementation of a Health Home Program for Chronic Kidney Disease utilizing				
17	available funding included in the Patient Protection and Affordable Care Act of 2010 to be				
18	effective May 1, 2012. The department shall have authority to implement necessary changes				
19	upon federal approval and prior to the completion of any regulatory process undertaken in				
20	order to effect such change.				
21	NNNN. Effective July 1, 2011, the Department of Medical Assistance Services shall have the				
22	authority to amend the State Plan under Title XIX of the Social Security Act to eliminate the				
23	five dollar per month/per member unit dose fee for members residing in a nursing facility. The				
24	department shall have the authority to implement this change prior to the completion of any				
25	regulatory process undertaken in order to effect such change.				
26	OOOO.1. Effective July 1, 2011, the Department of Medical Assistance Services shall amend				
27	the State Plans under Title XIX and XXI of the Social Security Act to develop five regional				
28	pilot programs in coordination with community services boards or behavioral health authorities				
29	to improve the care of children who are in need of community mental health rehabilitative				
30	services, ensure appropriate utilization of services, measure outcomes and increase the cost				
31	effectiveness of services provided. The pilot programs shall be established in regions with high				
32	utilization of such services, as defined by service volume and expenditures. The pilot programs				
33	shall include provisions for children to be evaluated by a licensed or licensed-eligible mental				
34	health professional of the community services boards or behavioral health authorities in order				
35	to access community mental health rehabilitative services. The department shall have authority				
36	to promulgate emergency regulations to implement this amendment within 280 days or less				
37	from the enactment date of this act.				
38	2. The Director, Department of Planning and Budget is authorized to transfer amounts, as				
39	needed, from Medicaid Program Services (45600), Medical Assistance Services for Low				
40	Income Children (46600) and Children's Health Insurance Program Delivery (44600), to				
41	Administrative and Support Services (49900), to fund administrative expenditures associated				
42	with contracts between the department and community services boards and/or their organization				
43	providing assessment services for Medicaid and FAMIS recipients in need of community				
44	mental health rehabilitative services.				
45	PPPP.1. The Department of Medical Assistance Services shall make programmatic changes in				
46	the provision of Intensive In-Home and Therapeutic Day Treatment in order to implement new				
47	quality service model(s) for these services. The department shall have authority to promulgate				
48	regulations to implement these changes within 280 days or less from the enactment date of this				
49	act.				
50	2. The Department of Medical Assistance Services shall make programmatic changes in the				
51	provision of Residential Treatment Facility (Level C) and Levels A and B residential services				
52	(group homes) for children with serious emotional disturbances in order ensure appropriate				
53	utilization and cost efficiency. The department shall consider all available options including,				
54	but not limited to, prior authorization, utilization review and provider qualifications. The				
55	department shall have authority to promulgate regulations to implement these changes within				
56	280 days or less from the enactment date of this act.				

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1	3. No less than 30 days prior to implementing the changes authorized in this paragraph, the				
2	Director of Medical Assistance Services shall report to the Chairmen of the House				
3	Appropriations and Senate Finance Committees the specific programmatic changes that will be				
4	made for intensive in-home and residential services including an estimate of the fiscal impact				
5	of the proposed changes.				
6	QQQQ. The Department of Medical Assistance Services, in consultation with the appropriate				
7	stakeholders, shall seek federal authority to implement a cost neutral (relative to the current				
8	method) pricing methodology to modify or replace the current maximum reimbursement of				
9	Average Wholesale Price for pharmaceutical products as defined in 12 VAC 30-80-40. The				
10	department shall have the authority to promulgate emergency regulations to implement this				
11	amendment within 280 days or less from the enactment of this act.				
12	RRRR. The Department of Medical Assistance Services shall make programmatic changes to				
13	the recipient utilization (Client Medical Management) program in order ensure appropriate				
14	utilization, prevent abuse, and promote improved and cost efficient medical management of				
15	essential Medicaid client health care. The department shall consider all available options				
16	including, but not limited to, utilization review, program criteria, and client enrollment. The				
17	Department of Medical Assistance Services shall promulgate regulations to implement these				
18	changes within 280 days or less from the enactment date of this act.				
19	SSSS. The Department of Medical Assistance Services shall mandate that payment rates				
20	negotiated between participating Medicaid managed care organizations and out-of-network				
21	providers for emergency or otherwise authorized treatment shall be considered payment in full.				
22	In the absence of rates negotiated between the managed care organization and the				
23	out-of-network provider, these services shall be reimbursed at the Virginia Medicaid fees and/or				
24	rates and shall be considered payment in full. The department shall have the authority to				
25	promulgate emergency regulations to implement this amendment within 280 days or less from				
26	the enactment date of this act.				
27	TTTT. The Department of Medical Assistance Services shall amend the State Plan for Medical				
28	Assistance to specify that the documentation requirements for the signing and dating of medical				
29	records by health care providers shall be a mandatory condition of Medicaid reimbursement.				
30	The department shall have authority to promulgate emergency regulations to implement these				
31	changes within 280 days or less from the enactment date of this act.				
32	UUUU. The Department of Medical Assistance Services, in consultation with the Department				
33	of Behavioral Health and Developmental Services, shall amend the State Plan for Medical				
34	Assistance Services to include early intervention case management. The Department of Medical				
35	Assistance Services shall promulgate regulations to become effective within 280 days or less				
36	from the enactment date of this act.				
37	VVVV. The Department of Medical Assistance Services shall have the authority to pay				
38	contingency fee contractors, engaged in cost recovery activities, from the recoveries that are				
39	generated by those activities. All recoveries from these contractors shall be deposited to a				
40	special fund. After payment of the contingency fee any prior year recoveries shall be				
41	transferred to the Virginia Health Care Fund. Beginning November 1, 2011 and each year				
42	thereafter, the Director of Medical Assistance Services shall report to the Chairmen of the				
43	House Appropriations and Senate Finance Committees the increase in recoveries associated				
44	with this program as well as the areas of audit targeted by contractors.				
45	WWWW. The Department of Medical Assistance Services shall, contingent on federal				
46	approval, amend the Elderly and Disabled with Consumer Direction waiver to allow individuals				
47	in the waiver with special needs, who have a diagnosis of intellectual disability (ID), to receive				
48	respite services from a children's residential facility licensed for respite for children with ID.				
49	The department shall promulgate emergency regulations to become effective within 280 days or				
50	less from the enactment of this act. The department shall implement these changes to be				
51	consistent with federal approval of the waiver changes.				
52	XXXX. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce				
53	rates for Residential Level A and B services by 8 percent below the rates in effect on January				
54	31, 2010.				
55	YYYY. Effective January 1, 2012, the The Department of Medical Assistance Services shall				

ITEM 297.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	have the authority to amend the State Plan for Medical Assistance to convert the current				
2	cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory				
3	Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included				
4	in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement				
5	methodology shall be implemented in a budget-neutral manner. The department shall have the				
6	authority to implement this action effective January 1, 2012, and shall promulgate regulations				
7	to become effective within 280 days or less from the enactment of this act.				
8	AAAAA. The Department of Medical Assistance Services shall consult with representatives of				
9	providers of home- and community-based care services concerning audits of such providers,				
10	and shall evaluate the effectiveness and appropriateness of the audit methodology. The				
11	Department shall submit a report on this evaluation to the Governor and to the Chairmen of the				
12	House Appropriations Committee and the Senate Finance Committee by November 1, 2011.				
13	BBBBB. The Department of Medical Assistance Services and the Department of Behavioral				
14	Health and Developmental Services, in consultation with appropriate stakeholders and national				
15	experts, shall research and work to improve and/or develop Medicaid waivers for individuals				
16	with intellectual disabilities and developmental disabilities that will increase efficiency and cost				
17	effectiveness, enable more individuals to be served, strengthen the delivery of person-centered				
18	supports, enable individuals with high medical needs and/or high behavioral support needs to				
19	remain in the community setting of their choice, and provide viable community alternatives to				
20	institutional placement. This initiative shall include a review of the current Intellectual				
21	Disabilities (ID), Day Support and Individual and Family Developmental Disabilities Supports				
22	(IFDDS) waivers to identify any improvements to these waivers that will achieve these same				
23	outcomes. The Department of Behavioral Health and Developmental Services and the				
24	Department of Medical Assistance Services shall report on the proposed waiver changes and				
25	associated costs to the Governor and the Chairmen of the House Appropriations and Senate				
26	Finance Committees by October 1, 2011.				
27	CCCCC. The Department of Medical Assistance Services shall amend certain 1915 (c) home-				
28	and community-based waivers to cap agency and consumer directed personal care at 56 hours				
29	per week, 52 weeks per year, for a total of 2,920 hours per year. The 1915 (c) waivers shall				
30	include the Elderly or Disabled with Consumer Direction, and HIV/AIDS Waivers. The				
31	Department shall provide for individual exceptions to this limit using criteria based on				
32	dependency in activities of daily living, level of care, and taking into account the risk of				
33	institutionalization if additional hours are not provided. The department shall have authority to				
34	promulgate emergency regulations to implement this amendment within 280 days or less from				
35	the enactment date of this act.				
36	DDDDD. Notwithstanding Item 297 GG of this act, the department shall seek federal authority				
37	to move the family planning eligibility group from a demonstration waiver to the State Plan for				
38	Medical Assistance, effective April 2011. The department shall seek approval of coverage				
39	under this new state plan option for individuals with income up to 200 percent of the federal				
40	poverty level. For the purposes of this section, family planning services shall not cover				
41	payment for abortion services and no funds shall be used to perform, assist, encourage or make				
42	direct referrals for abortions. The department shall have authority to implement necessary				
43	changes upon federal approval and prior to the completion of any regulatory process				
44	undertaken in order to effect such change.				
45	EEEEEE. Effective July 1, 2011, the Department of Medical Assistance Services (DMAS) shall				
46	have the authority to amend the State Plan for Medical Assistance to enroll and reimburse				
47	freestanding birthing centers accredited by the Commission for the Accreditation of Birthing				
48	Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group				
49	methodology applied in a manner similar to the reimbursement methodology for ambulatory				
50	surgery centers. The department shall have authority to implement necessary changes upon				
51	federal approval and prior to the completion of any regulatory process undertaken in order to				
52	effect such change.				
53	298. Not set out.				

ITEM 298.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	299.	Medical Assistance Services for Low Income Children			
2		(46600)		\$117,255,906	\$130,987,018
3					\$115,425,885
4		Reimbursements for Medical Services Provided to			
5		Low-Income Children (46601)	\$117,255,906	\$130,987,018	
6				\$115,425,885	
7		Fund Sources: General	\$41,039,567	\$45,845,456	
8				\$40,399,060	
9		Federal Trust	\$76,216,339	\$85,141,562	
10				\$75,026,825	
11		Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-87, as amended, Title			
12		XIX, Social Security Act, Federal Code.			
13		To the extent that appropriations in this Item are insufficient, the Director, Department of			
14		Planning and Budget shall transfer general fund appropriation from Items 296 and 297, if			
15		available, into this Item, to be used as state match for federal Title XXI funds.			
16	300.	Administrative and Support Services (49900)		\$108,298,721	\$143,501,529
17					\$148,619,599
18		General Management and Direction (49901)	\$91,376,584	\$126,579,392	
19				\$131,697,462	
20		Information Technology Services (49902)	\$10,970,975	\$10,970,975	
21		Administrative Support for the Family Access to			
22		Medical Insurance Security Plan (49932)	\$5,951,162	\$5,951,162	
23		Fund Sources: General	\$36,393,775	\$43,272,124	
24				\$45,000,506	
25		Special	\$1,065,000	\$1,065,000	
26		Federal Trust	\$70,839,946	\$99,164,405	
27				\$102,554,093	
28		Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-87, as amended, Title XIX,			
29		Social Security Act, Federal Code.			
30		A. By November 15 of each year, the Department of Planning and Budget, in cooperation with			
31		the Department of Medical Assistance Services, shall prepare and submit a forecast of			
32		Medicaid expenditures, upon which the Governor's budget recommendations will be based, for			
33		the current and subsequent two years to the Chairmen of the House Appropriations and Senate			
34		Finance Committees.			
35		B. The Department of Medical Assistance Services shall submit expenditure reports of the			
36		Medicaid program in relation to the agency's actual appropriation to the Department of			
37		Planning and Budget and the Chairmen of the House Appropriations and Senate Finance			
38		Committees. These reports shall be submitted on a quarterly basis.			
39		C. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the			
40		special fund is appropriated to the Department of Medical Assistance Services for the			
41		administration of the disbursement of civil money penalties levied against and collected from			
42		Medicaid nursing facilities for violations of rules identified during survey and certification as			
43		required by federal law and regulation. Based on the nature and seriousness of the deficiency,			
44		the Agency or the Centers for Medicare and Medicaid Services may impose a civil money			
45		penalty, consistent with the severity of the violations, for the number of days a facility is not in			
46		substantial compliance with the facility's Medicaid participation agreement. Civil money			
47		penalties collected by the Commonwealth must be applied to the protection of the health or			
48		property of residents of nursing facilities found to be deficient. Penalties collected are to be			
49		used for (1) the payment of costs incurred by the Commonwealth for relocating residents to			
50		other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the			
51		facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of			
52		residents for personal funds or property lost at a facility as a result of actions by the facility or			
53		individuals used by the facility to provide services to residents. These funds are to be			
54		administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and			
55		the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care			

ITEM 300.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Facilities with Deficiencies. Any special fund revenue received for this purpose, but				
2	unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with				
3	this provision.				
4	D. The Department of Medical Assistance Services, to the extent permissible under federal law,				
5	shall enter into an agreement with the Department of Behavioral Health and Developmental				
6	Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental				
7	health, mental retardation and substance abuse services, and any new or expanded mental				
8	health, mental retardation and substance abuse services that are covered by the State Plan for				
9	Medical Assistance. The information shall be used to increase the effective and efficient				
10	delivery of publicly funded mental health, mental retardation and substance abuse services.				
11	E. In addition to any regional offices that may be located across the Commonwealth, any				
12	statewide, centralized call center facility that operates in conjunction with a brokerage				
13	transportation program for persons enrolled in Medicaid or the Family Access to Medical				
14	Insurance Security plan shall be located in Norton, Virginia.				
15	F. The Director, Department of Planning and Budget, is authorized to transfer amounts, as				
16	needed, from Medicaid Program Services (45600), Medical Assistance Services for Low				
17	Income Children (46600) and Children's Health Insurance Program Delivery (44600), to				
18	Administrative and Support Services (49900), to fund administrative expenditures associated				
19	with contracts between the department and companies providing dental benefit services for				
20	Medicaid and FAMIS recipients.				
21	G.1. Out of this appropriation, \$250,000 from the general fund and \$250,000 from the federal				
22	trust fund in the first year and \$250,000 from the general fund and \$250,000 from the federal				
23	trust fund in the second year is provided for the additional audit costs of intensive in-home				
24	services.				
25	2. The Department of Medical Assistance Services shall report to the Department of Planning				
26	and Budget, by September 1, of each year, the amount of savings achieved from the increased				
27	audits of intensive in-home services.				
28	H. The Department of Medical Assistance Services shall mandate the electronic submission of				
29	claims for covered services rendered by participating providers in the fee-for-service program				
30	under the State Plans for Title XIX and XXI of the Social Security Act, and any waivers				
31	thereof, as well as the use of electronic funds transfer for the payment of such claims to				
32	providers. The department shall implement this requirement in a phased approach beginning				
33	with providers enrolling on or after October 1, 2011, with expansion to all existing providers				
34	by July 1, 2012. The department shall develop a process by which the individual circumstance				
35	of a provider may allow for exclusion from the electronic claims mandate without impact on				
36	participation, at the sole discretion of the department. The department shall have authority to				
37	promulgate emergency regulations to implement this amendment within 280 days from the				
38	enactment of this act.				
39	Total for Department of Medical Assistance Services.....			\$7,532,546,612	\$7,592,214,915
40					\$7,412,691,647
41	General Fund Positions.....	169.82	175.32		
42			176.32		
43	Nongeneral Fund Positions.....	194.18	203.68		
44			204.68		
45	Position Level	364.00	379.00		
46			381.00		
47	Fund Sources: General	\$2,822,298,324	\$3,483,587,161		
48			\$3,393,916,263		
49	Special.....	\$1,065,000	\$1,065,000		
50	Dedicated Special Revenue	\$301,849,325	\$313,702,457		
51			\$297,689,334		
52	Federal Trust.....	\$4,407,333,963	\$3,793,860,297		
53			\$3,720,021,050		

ITEM 301.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	§ 1-19. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)				
2	301.	Not set out.			
3	302.	Not set out.			
4	303.	A. It is the intent of the General Assembly that the Department of Behavioral Health and			
5		Developmental Services proceed in transforming its system of care into a model that embodies			
6		best practices and state-of-the art services. The consumer-driven system of services and			
7		supports shall promote self-determination, empowerment, recovery, resilience, health, and the			
8		highest possible level of consumer participation in all aspects of community life. The			
9		transformed system shall include investments in a suitable array and adequate quantity of			
10		community-based services, with an emphasis on consumer choice and the appropriate use of			
11		facility resources. State facilities shall be redesigned to ensure high quality care, efficient			
12		operation, and capacity necessary for persons most in need of such care. Amounts authorized			
13		herein, and in related legislation, shall be used to support the transformation of the system of			
14		care and to promote the provision of behavioral health and developmental services in the most			
15		efficient and appropriate setting. The Department of Behavioral Health and Developmental			
16		Services may consider the use of public-private partnerships to deliver behavioral health and			
17		intellectual disability services as part of the comprehensive behavioral health and intellectual			
18		disability system of care, in facilities that are being planned for renovation or replacement.			
19		These partnerships may include contracts with private entities for facility operations, unless the			
20		Department of Behavioral Health and Developmental Services can demonstrate that continued			
21		state operation of the facility is at least as cost effective and provides at least an equivalent or			
22		higher level quality care than operation by a private entity.			
23		B. Notwithstanding any law to the contrary, on July 1, 2012, the State Comptroller shall			
24		transfer to the general fund any nongeneral fund balance accumulated by the Department of			
25		Behavioral Health and Developmental Services, except for federal grant funds, in excess of			
26		\$20,000,000 \$35,000,000.			
27	304.	Not set out.			
28		Total for Department of Behavioral Health and			
29		Developmental Services.....		\$44,829,662	\$46,015,930
30		General Fund Positions.....	184.85	197.85	
31		Nongeneral Fund Positions.....	10.40	10.40	
32		Position Level	195.25	208.25	
33		Fund Sources: General.....	\$27,206,176	\$29,155,444	
34		Special.....	\$6,761,053	\$5,998,053	
35		Federal Trust.....	\$10,862,433	\$10,862,433	
36	305.	Not set out.			
37	306.	Not set out.			
38	307.	Not set out.			
39	308.	Not set out.			
40	309.	Not set out.			
41	310.	Not set out.			
42	311.	Not set out.			
43	312.	Not set out.			
44	313.	Not set out.			
45	314.	Not set out.			

ITEM 315.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	315.	Not set out.			
2	316.	Not set out.			
3	317.	Not set out.			
4	318.	Not set out.			
5	319.	Not set out.			
6	Grand Total for Department of Behavioral Health and				
7	Developmental Services.....			\$928,501,078	\$972,156,635
8	General Fund Positions.....			6,789.85	6,616.85
9	Nongeneral Fund Positions.....			2,616.40	2,624.40
10	Position Level			9,406.25	9,241.25
11	Fund Sources: General			\$533,987,476	\$577,976,833
12	Special.....			\$321,571,722	\$321,237,922
13	Federal Trust.....			\$72,941,880	\$72,941,880
14	§ 1-20. DEPARTMENT OF REHABILITATIVE SERVICES (262)				
15	320.	Rehabilitation Assistance Services (45400)			\$90,412,140
16					\$91,293,865
17		Vocational Rehabilitation Services (45404).....	\$74,784,373	\$74,809,879	\$94,279,231
18				\$77,795,245	
19		Community Rehabilitation Programs (45406)	\$15,627,767	\$16,483,986	
20		Fund Sources: General	\$21,165,075	\$22,046,800	
21				\$25,032,166	
22		Special.....	\$2,626,801	\$2,626,801	
23		Dedicated Special Revenue	\$2,016,499	\$2,016,499	
24		Federal Trust.....	\$64,603,765	\$64,603,765	
25	Authority: Title 51.5, Chapters 5 and 6, Code of Virginia; P.L. 93-112, Federal Code.				
26	A. Recovery of administrative costs for the Long Term Employment Support Services program				
27	shall be limited to 1.87 percent each fiscal year.				
28	B. A minimum of \$4,225,084 the first year and \$4,387,672 the second year from all funds is				
29	allocated to support Centers for Independent Living. If there is an extension through June 30,				
30	2011 of increased Federal Medical Assistance Percentage under the American Recovery and				
31	Reinvestment Act (P.L. 111-5), the reduction in the first year in this paragraph shall not				
32	become effective. The Governor shall have authority to direct that the first year reduction				
33	referenced in this paragraph be imposed, either partially or in full, as he deems necessary in				
34	order to ensure that the costs to the Commonwealth of contingent restorations in various items				
35	within this act do not exceed the amount of funding made available due to an extension of the				
36	increased Federal Medical Assistance Percentage.				
37	C. The Department of Rehabilitative Services shall fulfill the administrative responsibilities				
38	pertaining to the Personal Attendant Services program, without interruption or discontinuation				
39	of personal attendant services currently provided.				
40	D.1. Out of this appropriation shall be provided \$3,188,638 the first year and \$3,383,569 the				
41	second year from the general fund for expanding the continuum of services used to assist				
42	persons with brain injuries in returning to work and community living.				
43	2. Of this amount, \$1,725,000 the first year and \$1,725,000 the second year from the general				
44	fund shall be used to provide a continuum of brain injury services to individuals in unserved or				
45	underserved regions of the Commonwealth. Up to \$150,000 each year shall be awarded to				
46	successful program applicants. Programs currently receiving more than \$250,000 from the				
47	general fund each year are ineligible for additional assistance under this section. To be				
48	determined eligible for a grant under this section, program applicants shall submit plans to				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	pursue non-state resources to complement the provision of general fund support.				
2	3. In allocating additional funds for brain injury services, the Department of Rehabilitative				
3	Services shall consider recommendations from the Virginia Brain Injury Council (VBIC).				
4	4. The Department of Rehabilitative Services (DRS) shall submit an annual report to the				
5	Chairmen of the Senate Finance and House Appropriations Committees documenting the				
6	number of individuals served, services provided, and success in attracting non-state resources.				
7	E. In allocating funds for Extended Employment Services, Long Term Employment Support				
8	Services (LTESS) and Economic Development, the Department of Rehabilitative Services shall				
9	consider recommendations from the established Employment Service Organizations/LTESS				
10	Steering Committee.				
11	F. The Department of Rehabilitative Services shall work with the disAbility Resource Center to				
12	phase out funding that has been provided by the State Independent Living Council so as not to				
13	impose an undue hardship on persons with disabilities who receive services from the Center.				
14	G. Out of this appropriation, \$285,000 the first year and \$285,000 the second year shall be				
15	provided from the general fund to support direct case management services for brain injured				
16	individuals and their families in Southwestern Virginia.				
17	H.1. For Commonwealth Neurotrauma Initiative Trust Fund grants awarded after July 1, 2004,				
18	the Commissioner shall require applicants to submit a plan to achieve self-sufficiency by the				
19	end of the grant award cycle in order to receive funding consideration.				
20	2. Notwithstanding any other law to the contrary, the Commissioner may reallocate up to				
21	\$500,000 from unexpended balances in the Commonwealth Neurotrauma Initiative Trust Fund				
22	to fund new grant awards for research on traumatic brain and spinal cord injuries.				
23	I. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the				
24	general fund shall be used to expand case management services for individuals with brain				
25	injuries in unserved or underserved regions of the Commonwealth.				
26	J. Out of this appropriation, \$200,000 the first year from and \$200,000 the second year from				
27	the general fund shall be provided for brain injury services. In allocating the funding, the				
28	Department of Rehabilitative Services shall consider recommendations from the Virginia Brain				
29	Injury Council.				
30	K. Notwithstanding the provisions of § 51.5-47, Code of Virginia, every county and city, either				
31	singly or in combination with another political subdivision, may establish a local disability				
32	services board to provide input to state agencies on service needs and priorities of persons with				
33	physical and sensory disabilities, to provide information and resource referral to local				
34	governments regarding the Americans with Disabilities Act, and to provide such other				
35	assistance and advice to local governments as may be requested. Notwithstanding the				
36	provisions of § 51.5-48, Code of Virginia, local disability services boards shall follow some or				
37	all of the provisions of this code section, at their discretion.				
38	L.1. Out of this appropriation, \$388,279 from the general fund the second year shall be				
39	allocated to the Long-term Rehabilitation Case Management Services Program.				
40	2. Of this appropriation, \$200,000 from the general fund the second year shall be provided to				
41	Didlake for the expansion of vocational services for people with physical disabilities.				
42	321. Not set out.				
43	322. Not set out.				
44	323. Not set out.				
45	Total for Department of Rehabilitative Services.....			\$143,868,102	\$144,749,827
46					\$147,735,193

ITEM 323.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	General Fund Positions.....	91.75	92.75		
2	Nongeneral Fund Positions.....	589.25	590.25		
3	Position Level	681.00	683.00		
4	Fund Sources: General	\$22,372,342	\$23,254,067		
5			\$26,239,433		
6	Special.....	\$9,421,834	\$9,421,834		
7	Dedicated Special Revenue	\$2,016,499	\$2,016,499		
8	Federal Trust.....	\$110,057,427	\$110,057,427		
9	324. Not set out.				
10	325. Not set out.				
11	Grand Total for Department of Rehabilitative Services....			\$169,665,543	\$170,396,919
12					\$173,382,285
13	General Fund Positions.....	193.42	194.42		
14	Nongeneral Fund Positions.....	833.58	834.58		
15	Position Level	1,027.00	1,029.00		
16	Fund Sources: General	\$27,333,897	\$28,065,273		
17			\$31,050,639		
18	Special.....	\$29,957,834	\$29,957,834		
19	Dedicated Special Revenue	\$2,016,499	\$2,016,499		
20	Federal Trust.....	\$110,357,313	\$110,357,313		
21	§ 1-21. DEPARTMENT OF SOCIAL SERVICES (765)				
22	326. Program Management Services (45100)			\$33,044,045	\$31,119,208
23					\$31,692,892
24	Training and Assistance to Local Staff (45101).....	\$3,785,812	\$2,838,506		
25	Central Administration and Quality Assurance for				
26	Benefit Programs (45102).....	\$11,491,816	\$11,097,856		
27			\$11,671,540		
28	Central Administration and Quality Assurance for				
29	Family Services (45103).....	\$6,980,672	\$6,733,877		
30	Central Administration and Quality Assurance for				
31	Community Programs (45105)	\$7,795,081	\$7,525,875		
32	Central Administration for the Comprehensive Services				
33	Act (Csa) (45106)	\$1,092,728	\$1,092,728		
34	Central Administration and Quality Assurance for				
35	Child Care Activities (45107)	\$1,897,936	\$1,830,366		
36	Fund Sources: General	\$15,005,312	\$14,122,408		
37			\$14,409,250		
38	Federal Trust.....	\$18,038,733	\$16,996,800		
39			\$17,283,642		
40	Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 and 6, Code of Virginia; Title VI,				
41	Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,				
42	Federal Code.				
43	A. The Department of Social Services, in collaboration with the Office of Comprehensive				
44	Services, shall provide training to local staff serving on Family Assessment and Planning				
45	Teams and Community Policy and Management Teams. Training shall include, but need not be				
46	limited to, the federal and state requirements pertaining to the provision of the foster care				
47	services funded under § 2.2-5211, Code of Virginia. The training shall also include written				
48	guidance concerning which services remain the financial responsibility of the local departments				
49	of social services. Training shall be provided on a regional basis at least once per year. Written				
50	guidance shall be updated and provided to local Comprehensive Services Act teams whenever				
51	there is a change in allowable expenses under federal or state guidelines. In addition, the				
52	Department of Social Services shall provide ongoing local oversight of its federal and state				
53	requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.				

ITEM 326.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	B. By November 1 of each year, the Department of Planning and Budget, in cooperation with				
2	the Department of Social Services, shall prepare and submit a forecast of expenditures for cash				
3	assistance provided through the Temporary Assistance for Needy Families (TANF) program,				
4	mandatory child day care services under TANF, foster care maintenance and adoption subsidy				
5	payments, upon which the Governor's budget recommendations will be based, for the current				
6	and subsequent two years to the Chairmen of the House Appropriations and Senate Finance				
7	Committees.				
8	327. Financial Assistance for Self-Sufficiency Programs and				
9	Services (45200).....			\$311,941,213	\$285,486,181
10					\$287,057,212
11	Temporary Assistance for Needy Families (Tanf) Cash				
12	Assistance (45201).....	\$113,840,549	\$113,743,300		
13	Child Support Supplement (45211).....	\$4,800,000	\$0		
14	Temporary Assistance for Needy Families (Tanf)				
15	Employment Services (45212)	\$23,638,972	\$23,638,972		
16	Food Stamp Employment and Training (Fset)				
17	Employment Services (45213)	\$866,326	\$866,326		
18	<i>Supplemental Nutrition Assistance Program</i>				
19	<i>Employment and Training (Snapet) Services (45213)</i>				
20	Temporary Assistance for Needy Families (Tanf) Child				
21	Care Subsidies (45214).....	\$53,356,283	\$53,617,869		
22	At-Risk Child Care Subsidies (45215)	\$104,158,248	\$85,212,378		
23	Unemployed Parents Cash Assistance (45216)	\$11,280,835	\$8,407,336		
24			\$9,978,367		
25	Fund Sources: General	\$95,028,524	\$87,788,555		
26			\$89,359,586		
27	Federal Trust.....	\$216,912,689	\$197,697,626		
28	Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 and 6, Code of Virginia; Title VI,				
29	Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,				
30	Federal Code.				
31	A. To the extent permitted by federal law, the State Plan for Temporary Assistance for Needy				
32	Families (TANF) shall provide that the eligibility for assistance of an alien who is qualified				
33	alien (as defined in § 431 of the Personal Responsibility and Work Opportunity Reconciliation				
34	Act of 1996, Public Law Number 104-193) shall be determined without regard to alienage.				
35	B. Notwithstanding any other provision of state law, the Department of Social Services shall				
36	maintain a separate state program, as that term is defined by federal regulations governing the				
37	Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the				
38	purpose of providing welfare cash assistance payments to able-bodied two-parent families. The				
39	separate state program shall be funded by state funds and operated outside of the TANF				
40	program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as				
41	defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program				
42	provided for in this paragraph. Although various conditions and eligibility requirements may be				
43	different under the separate state program, the basic benefit payment for which two-parent				
44	families are eligible under the separate state program shall not be less than what they would				
45	have received under TANF. The Department of Social Services shall establish regulations to				
46	govern this separate state program.				
47	C. As a condition of this appropriation, the Department of Social Services shall disregard the				
48	value of one motor vehicle per assistance unit in determining eligibility for cash assistance in				
49	the Temporary Assistance for Needy Families (TANF) program and in the separate state				
50	program for able-bodied two-parent families.				
51	D.1. The Department of Social Services shall be authorized to make necessary changes in the				
52	State Plan for the Temporary Assistance for Needy Families (TANF) Program to meet the				
53	federal TANF requirements, pursuant to federal Deficit Reduction Omnibus Reconciliation Act				
54	of 2005, and to minimize the Commonwealth's exposure to federal financial penalties, provided				
55	it does so in the most efficient and least costly manner.				
56	2. No less than 30 days prior to submitting amendments to the federal government on the State				

ITEM 327.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Plan for the Temporary Assistance for Needy Families Program, the Commissioner of the			
2	Department of Social Services shall provide the Chairmen of the House Appropriations and			
3	Senate Finance Committees with written documentation of the proposed policy changes,			
4	including an estimate of the fiscal impact of the proposed changes and information			
5	summarizing public comment that was received on the proposed changes.			
6	E. Out of this appropriation, \$4,800,000 the first year from the federal Temporary Assistance			
7	for Needy Families (TANF) block grant shall be used by the Department of Social Services to			
8	provide recipients of Temporary Assistance for Needy Families (TANF) cash assistance a			
9	monthly TANF supplement up to the current child support collected by the Division of Child			
10	Support Enforcement for each such recipient, less any disregard passed through to such			
11	recipient pursuant to any other provision of law. The TANF child support supplement shall be			
12	paid within two months following collection of the child support payment or payments used to			
13	determine the amount of such supplement. For purposes of determining eligibility for medical			
14	assistance services, the TANF supplement described in this paragraph shall be disregarded. In			
15	the event there are sufficient federal TANF funds to provide all other assistance required by the			
16	TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in			
17	excess of this appropriation to provide the TANF supplement described in this paragraph.			
18	F. The Department of Social Services, in collaboration with local departments of social			
19	services, shall maintain minimum performance standards for all local departments of social			
20	services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program.			
21	The department shall allocate VIEW funds to local departments of social services based on			
22	these performance standards and VIEW caseloads. The allocation formula shall be developed			
23	and revised in cooperation with the local social services departments and the Department of			
24	Planning and Budget.			
25	G. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance			
26	is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of			
27	Virginia, or due to the closure of the TANF case prior to the completion of 24 months of			
28	TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia			
29	Initiative for Employment Not Welfare program, shall be eligible to receive employment and			
30	training assistance for up to 12 months after termination, if needed, in addition to other			
31	transitional services provided pursuant to § 63.2-611, Code of Virginia.			
32	H. The Department of Social Services, in conjunction with the Department of Correctional			
33	Education, shall identify and apply for federal, private and faith-based grants for pre-release			
34	parenting programs for non-custodial incarcerated parent offenders committed to the			
35	Department of Corrections, including but not limited to the following grant programs:			
36	Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation			
37	Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special			
38	Improvement Projects, §1115 Social Security Demonstration Grants, and any new grant			
39	programs authorized under the federal Temporary Assistance for Needy Families (TANF) block			
40	grant program.			
41	I. Included in this Item is funding to carry out the former responsibilities of the Virginia			
42	Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations			
43	allocated for uses associated with the Head Start program shall not be transferred for any other			
44	use until eligible Head Start families have been fully served. Any remaining funds may be used			
45	to provide services to enrolled low-income families in accordance with federal and state			
46	requirements. Families, who are working or in education and training programs, with income at			
47	or below the poverty level, whose children are enrolled in Head Start wraparound programs			
48	paid for with the federal block grant funding in this Item shall not be required to pay fees for			
49	these wraparound services.			
50	J. Out of the total appropriation for child care, \$10,626,393 from the general fund and			
51	\$52,445,805 from federal funds the first year and \$2,660,086 from the general fund			
52	and \$54,445,805 from federal funds the second year will support state child care programs			
53	which will be administered on a sliding scale basis to income eligible families. The sliding fee			
54	scale and eligibility criteria are to be set according to the rules and regulations of the State			
55	Board of Social Services, except that the income eligibility thresholds for child care assistance			
56	shall account for variations in the local cost of living index by metropolitan statistical areas.			
57	The Department of Social Services shall report on the sliding fee scale and eligibility criteria			
58	adopted by the Board of Social Services by December 15 of each year. The Department of			

ITEM 327.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Social Services shall make the necessary amendments to the Child Care and Development				
2	Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need				
3	of assistance with child care costs. Localities may exceed the standards established by the state				
4	by supplementing state funds with local funds.				
5	K. Notwithstanding § 4-1.03 of this act, general fund and nongeneral fund appropriations for				
6	the Child Care Fee System At-risk and At-risk Pass-thru programs shall not be transferred to				
7	support other child care programs or for any other purpose.				
8	L. It is the intent of the General Assembly that the Department of Social Services automate				
9	child care assistance programs. The Department shall report to the Governor and the General				
10	Assembly by October 15 of each year regarding the status of such automation, system				
11	adequacy, and needed action.				
12	M. Included in this Item is funding in the amount of \$600,000 the first year and \$600,000 the				
13	second year from nongeneral funds for scholarships for students in early childhood education				
14	and related majors who plan to work in the field, or already are working in the field, whether				
15	in public schools, child care or other early childhood programs, and who enroll in a state				
16	community college or a state supported senior institution of higher education. Also included in				
17	this Item is funding in the amount of \$505,000 the first year and \$505,000 the second year				
18	from nongeneral funds for training of individuals in the field of early childhood education.				
19	N. Out of appropriations in this Item shall be provided \$300,000 the first year and \$300,000				
20	the second year from nongeneral funds for child care assistance provided to children in				
21	homeless and domestic violence shelters.				
22	O. The Commissioner of the Department of Social Services shall work with interested local				
23	governments or third parties to identify services and programs that may qualify for				
24	reimbursement consistent with the TANF Emergency Contingency Fund in order to maximize				
25	the use of these federal funds included within the American Recovery and Reinvestment Act of				
26	2009. The Commissioner is authorized to use these funds as pass-through to localities or				
27	non-profits.				
28	328. Not set out.				
29	329. Not set out.				
30	330. Adult Programs and Services (46800)			\$39,465,156	\$37,702,004
31	Auxiliary Grants for the Aged, Blind, and Disabled				
32	(46801)	\$22,652,956	\$22,639,804		
33	Adult In-Home and Supportive Services (46802)	\$8,572,995	\$6,822,995		
34	Domestic Violence Prevention and Support Activities				
35	(46803)	\$8,239,205	\$8,239,205		
36	Fund Sources: General	\$23,316,378	\$22,748,226		
37	Federal Trust	\$16,148,778	\$14,953,778		
38	Authority: Title 51.2, Chapter 1.1 and Title 63.2, Chapters 1 and 6, Code of Virginia; Title				
39	XVI, federal Social Security Act, as amended.				
40	A. 1. Effective January 1, 20092012, the Department of Social Services is authorized to base				
41	approved licensed assisted living facility rates for individual facilities on an occupancy rate of				
42	85 percent of licensed capacity, not to exceed a maximum rate of \$1,112 \$1,136 per month,				
43	which rate is also applied to approved adult foster care homes, unless modified as indicated				
44	below. The Department may add a 15 percent differential to the maximum amount for licensed				
45	assisted living facilities and adult foster care homes in Planning District Eight.				
46	2. Effective January 1, 2009, the monthly personal care allowance for auxiliary grant recipients				
47	who reside in licensed assisted living facilities and approved adult foster care homes shall be				
48	\$81 per month, unless modified as indicated below.				
49	3. The Department of Social Services is authorized to increase the assisted living facility and				
50	adult foster care home rates and/or the personal care allowance cited above on January 1 of				
51	each year in which the federal government increases Supplemental Security Income or Social				

ITEM 330.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Security rates or at any other time that the department determines that an increase is necessary				
2	to ensure that the Commonwealth continues to meet federal requirements for continuing				
3	eligibility for federal financial participation in the Medicaid program. Any such increase is				
4	subject to the prior concurrence of the Department of Planning and Budget. Within thirty days				
5	after its effective date, the Department of Social Services shall report any such increase to the				
6	Governor and the Chairmen of the House Appropriations and Senate Finance Committees with				
7	an explanation of the reasons for the increase.				
8	B.1. Out of this nongeneral fund appropriation, \$4,801,894 the first year and \$4,801,894 in the				
9	second year from the federal Social Services Block Grant shall be allocated to provide adult				
10	companion services for low-income elderly and disabled adults.				
11	2. If there is an extension through June 30, 2011 of increased Federal Medical Assistance				
12	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of				
13	\$1,000,000 from nongeneral funds the first year in this paragraph shall not become effective.				
14	The Governor shall have authority to direct that the reduction authorized in this paragraph be				
15	imposed, either partially or in full, as he deems necessary in order to ensure that the costs to				
16	the Commonwealth of contingent restorations in various items within this act do not exceed the				
17	amount of funding made available due to an extension of the increased Federal Medical				
18	Assistance Percentage.				
19	C. The toll-free telephone hotline operated by the Department of Social Services to receive				
20	child abuse and neglect complaints shall also be publicized and used by the department to				
21	receive complaints of adult abuse and neglect.				
22	D. Out of this appropriation, \$555,000 the first year from the general fund and \$693,750 the				
23	first year and \$1,248,750 the second year from the federal Temporary Assistance for Needy				
24	Families (TANF) block grant shall be provided as a grant to local domestic violence programs				
25	for purchase of crisis and core services for victims of domestic violence, including 24-hour				
26	hotlines, emergency shelter, emergency transportation, and other crisis services as a first				
27	priority.				
28	E. Out of this appropriation, \$75,000 from the general fund and \$400,000 from nongeneral				
29	funds the first year and \$75,000 from the general fund and \$400,000 from nongeneral funds the				
30	second year shall be provided for the purchase of services for victims of domestic violence as				
31	stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the				
32	Board of Social Services.				
33	F. Notwithstanding the emergency regulations set forth in 22 VAC 40-71-10 et seq. Standards				
34	and Regulations for Licensed Assisted Living Facilities, the Department of Social Services shall				
35	(i) define a department-approved course for managers of licensed facilities with 19 or fewer				
36	residents, pursuant to 22 VAC 40-71-60 L.3 e (4), as a course that does not exceed 40 hours				
37	and is available and accessible in multiple regions within the Commonwealth; (ii) reinstate an				
38	exception to the requirement that at least one staff member be awake and on duty during the				
39	night in buildings that house 19 or fewer residents provided that none of the residents require a				
40	staff member to be awake and on duty at night, pursuant to 22 VAC 40-71-130; and (iii)				
41	eliminate requirements set forth in the emergency regulations, pursuant to 22 VAC 40-71-485,				
42	guiding intervention for high risk behavior.				
43	G. If there is an extension through June 30, 2011 of increased Federal Medical Assistance				
44	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of				
45	\$1,000,000 from the general fund the first year in this item for other purchased services shall				
46	not become effective. The Governor shall have authority to direct that the reduction authorized				
47	in this paragraph be imposed, either partially or in full, as he deems necessary in order to				
48	ensure that the costs to the Commonwealth of contingent restorations in various items within				
49	this act do not exceed the amount of funding made available due to an extension of the				
50	increased Federal Medical Assistance Percentage.				
51	331. Child Welfare Services (46900)			\$160,842,732	\$166,530,567
52					\$173,430,567
53	Foster Care Payments and Supportive Services (46901) ..	\$62,968,154	\$70,261,740		
54			\$66,861,740		

ITEM 331.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Supplemental Child Protective Activities (46902)	\$4,307,950	\$4,307,950		
2	Adoption Subsidies and Supportive Services (46903)	\$93,566,628	\$91,960,877		
3			\$102,260,877		
4	Fund Sources: General	\$83,917,607	\$87,374,663		
5			\$93,774,663		
6	Special	\$425,030	\$425,030		
7	Dedicated Special Revenue	\$135,265	\$135,265		
8	Federal Trust	\$76,364,830	\$78,595,609		
9			\$79,095,609		
10	Authority: Title 63.2, Chapters 3, 10, 10.1, 10.2, 11.1, 11.2, 12.1, and 18, Code of Virginia;				
11	P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, as amended, Federal Code.				
12	A. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the				
13	general fund shall be provided for the purchase of services for victims child abuse and neglect				
14	prevention activities as stated in §63.2-1502, Code of Virginia, in accordance with regulations				
15	promulgated by the Board of Social Services.				
16	B. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully				
17	reimbursed except that expenditures otherwise subject to a standard local matching share under				
18	applicable state policy, including local staffing, shall continue to require local match. The				
19	commissioner shall ensure that local social service boards obtain reimbursement for all children				
20	eligible for Title IV-E coverage.				
21	C. This appropriation includes \$180,200 from the general fund and \$99,800 from nongeneral				
22	funds the first year and \$180,200 from the general fund and \$99,800 from nongeneral funds the				
23	second year to continue respite care for foster parents.				
24	D. The commissioner, in cooperation with the Department of Planning and Budget, shall				
25	establish a reasonable, automatic adjustment for inflation each year to be applied to the room				
26	and board maximum rates paid to foster parents. However, this provision shall apply only in				
27	fiscal years following a fiscal year in which salary increases are provided for state employees.				
28	E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
29	nongeneral funds shall be provided for Volunteer Emergency Families for Children to expand				
30	its shelter care network for abused, neglected, runaway, homeless, and at-risk children				
31	throughout Virginia.				
32	F. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
33	nongeneral funds is provided for the Child Abuse Prevention Plan administered by Theatre IV				
34	of Richmond.				
35	G. Out of the amounts appropriated for this item, \$100,000 the first year and \$100,000 the				
36	second year from nongeneral funds is provided to implement the Virginia Child Protection				
37	Accountability System.				
38	H. If there is an extension through June 30, 2011 of increased Federal Medical Assistance				
39	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year				
40	reduction of \$1,000,000 from the general fund and the addition of \$1,000,000 from nongeneral				
41	funds the first year in this item shall not become effective. The Governor shall have authority				
42	to direct that the reduction authorized in this paragraph be imposed, either partially or in full,				
43	as he deems necessary in order to ensure that the costs to the Commonwealth of contingent				
44	restorations in various items within this act do not exceed the amount of funding made				
45	available due to an extension of the increased Federal Medical Assistance Percentage.				
46	I. If there is an extension through June 30, 2011 of increased Federal Medical Assistance				
47	Percentage under the American Recovery and Reinvestment Act (P.L. 111-5) for state foster				
48	care and adoption assistance payments, the reduction of \$3,000,000 from the general fund the				
49	first year in this item shall be restored. The Governor shall have authority to direct that the				
50	reduction authorized in this paragraph be imposed, either partially or in full, as he deems				
51	necessary in order to ensure that the costs to the Commonwealth of contingent restorations in				
52	various items within this act do not exceed the amount of funding made available due to an				
53	extension of the increased Federal Medical Assistance Percentage.				

ITEM 332.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	332.	Not set out.			
2	333.	Not set out.			
3	334.	Not set out.			
4	335.	Not set out.			
5	336.	Not set out.			
6	337.	Not set out.			
7	338.	1. It is hereby acknowledged that as of June 30, 2009 there existed with the federal			
8		government an unexpended balance of \$34,502,916 in federal Temporary Assistance for Needy			
9		Families (TANF) block grant funds which are available to the Commonwealth of Virginia to			
10		reimburse expenditures incurred in accordance with the adopted State plan for the TANF			
11		program. Based on projected spending levels and appropriations in this act, the			
12		Commonwealth's accumulated balance for authorized federal TANF block grant funds is			
13		estimated at \$34,358,796 \$38,405,035 on June 30, 2010; \$13,996,557 \$25,574,493 on June 30,			
14		2011; and \$49,735 \$14,064,514 on June 30, 2012.			
15		2. The Department of Social Service (DSS) shall report annually on October 1 to the Governor,			
16		the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and			
17		Senate Finance Committees, and the Director, Department of Planning and Budget regarding			
18		spending; program results; clients served; the location, size, implementation status, and nature			
19		of projects funded with TANF funds; results of all formal evaluations; and recommendations			
20		for continuation, expansion, and redesign of the projects. Such report shall be combined with			
21		the report required by § 63.2-619, Code of Virginia.			
22		Total for Department of Social Services		\$1,918,938,997	\$1,893,370,016
23					\$1,902,414,731
24		General Fund Positions.....	376.21	398.21	
25		Nongeneral Fund Positions.....	1,260.29	1,282.29	
26		Position Level	1,636.50	1,680.50	
27		Fund Sources: General	\$379,562,717	\$375,576,936	
28				\$383,834,809	
29		Special.....	\$704,781,477	\$703,401,286	
30		Dedicated Special Revenue	\$3,135,265	\$3,135,265	
31		Federal Trust.....	\$831,459,538	\$811,256,529	
32				\$812,043,371	
33	339.	Not set out.			
34	340.	Not set out.			
35	341.	Not set out.			
36	342.	Not set out.			
37	343.	Not set out.			
38	344.	Not set out.			
39	345.	Not set out.			
40	346.	Not set out.			
41	347.	Not set out.			
42	348.	Not set out.			

ITEM 348.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	TOTAL FOR OFFICE OF HEALTH AND HUMAN				
2	RESOURCES			\$11,594,740,678	\$11,671,924,260
3					<i>\$11,479,653,391</i>
4	General Fund Positions.....	9,212.17	9,067.67		
5			9,068.67		
6	Nongeneral Fund Positions.....	7,294.58	7,496.08		
7			7,497.08		
8	Position Level	16,506.75	16,563.75		
9			16,565.75		
10	Fund Sources: General	\$4,213,180,412	\$4,915,252,830		
11			\$4,812,047,489		
12	Special	\$1,223,343,798	\$1,219,228,655		
13	Enterprise	\$25,478,730	\$25,478,730		
14	Trust and Agency	\$958,798	\$958,798		
15	Dedicated Special Revenue	\$449,353,125	\$460,796,832		
16			\$444,783,709		
17	Federal Trust.....	\$5,682,425,815	\$5,050,208,415		
18			<i>\$4,977,156,010</i>		

ITEM 349.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF NATURAL RESOURCES			
2 349.	Not set out.			
3 350.	Not set out.			
4 351.	Not set out.			
5 352.	Not set out.			
6 353.	Not set out.			
7	§ 1-22. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)			
8 354.	Not set out.			
9 355.	Water Protection (51200).....		\$44,738,907	\$44,544,690
10	Water Protection Permitting (51225)	\$8,519,292	\$8,519,292	
11	Water Protection Compliance and Enforcement (51226) ..	\$19,162,883	\$19,162,883	
12	Water Protection Outreach (51227).....	\$4,667,360	\$4,667,360	
13	Water Protection Planning and Policy (51228).....	\$4,846,927	\$4,846,927	
14	Water Protection Monitoring and Assessment (51229)	\$7,542,445	\$7,348,228	
15	Fund Sources: General	\$16,494,290	\$16,300,073	
16	Special.....	\$558,516	\$558,516	
17	Trust and Agency	\$10,809,054	\$10,809,054	
18	Dedicated Special Revenue	\$7,247,198	\$7,247,198	
19	Federal Trust.....	\$9,629,849	\$9,629,849	
20	Authority: Title 5.1, Chapter 1; Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2,			
21	3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.			
22	A. The Department of Environmental Quality is authorized to commit resources necessary to			
23	qualify for in-kind match for the U.S. Army Corps of Engineers for the John H. Kerr Dam and			
24	Reservoir, Virginia and North Carolina Feasibility Study, to be conducted in accordance with			
25	§ 216 of the River and Harbors Flood Control Act of 1970.			
26	B. The appropriation includes annual membership dues for the Interstate Commission on the			
27	Potomac River Basin, \$156,000 the first year and \$156,000 the second year from the general			
28	fund.			
29	C. The appropriation includes annual membership dues for the Ohio River Valley Water			
30	Sanitation Commission, \$51,500 the first year and \$51,500 the second year from the general			
31	fund.			
32	D. Out of the amounts for this Item shall be paid \$80,000 the first year and \$80,000 the			
33	second year from the general fund to the Chesapeake Bay Foundation to support Chesapeake			
34	Bay education field studies.			
35	E. Notwithstanding the provisions of § 62.1-44.15, Code of Virginia, the Department of			
36	Environmental Quality is authorized to implement an inspection schedule for confined animal			
37	feeding operations using risk-based criteria.			
38	F.1. The permit fee regulations adopted by the State Water Control Board pursuant to			
39	paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount			
40	representing not more than 50 percent of the direct costs for the administration, compliance and			
41	enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution			
42	Abatement permits.			
43	2. The regulations adopted by the State Water Control Board to initially implement the			
44	provisions of this item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of			
45	Title 2.2 of the Code of Virginia and shall become effective no later than July 1, 2010.			
46	Thereafter, any amendments to the fee schedule described by these acts shall not be exempted			

ITEM 355.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.				
2	356. Not set out.				
3	357. Not set out.				
4	358. Not set out.				
5	Total for Department of Environmental Quality			\$158,755,427	\$154,808,631
6	General Fund Positions.....	393.50	390.50		
7	Nongeneral Fund Positions.....	503.50	503.50		
8	Position Level	897.00	894.00		
9	Fund Sources: General	\$36,800,630	\$32,853,834		
10	Special	\$6,964,857	\$6,964,857		
11	Enterprise	\$12,287,239	\$12,287,239		
12	Trust and Agency	\$37,053,444	\$37,053,444		
13	Dedicated Special Revenue	\$21,224,340	\$21,224,340		
14	Federal Trust.....	\$44,424,917	\$44,424,917		
15	359. Not set out.				
16	360. Not set out.				
17	361. Not set out.				
18	362. Not set out.				
19	363. Not set out.				
20	364. Not set out.				
21	365. Not set out.				
22	366. Not set out.				
23	367. Not set out.				
24	368. Not set out.				
25	§ 1-23. VIRGINIA MUSEUM OF NATURAL HISTORY (942)				
26	369. Museum and Cultural Services (14500)			\$3,244,932	\$3,244,932
27					\$3,324,472
28	Collections Management and Curatorial Services				
29	(14501)	\$153,010	\$153,010		
30	Education and Extension Services (14503)	\$813,161	\$813,161		
31	Operational and Support Services (14507)	\$1,684,577	\$1,684,577		
32			\$1,764,117		
33	Scientific Research (14508).....	\$594,184	\$594,184		
34	Fund Sources: General	\$2,433,032	\$2,433,032		
35			\$2,512,572		
36	Special	\$781,900	\$781,900		
37	Federal Trust.....	\$30,000	\$30,000		
38	Authority: Title 10.1, Chapter 20, Code of Virginia.				
39	Total for Virginia Museum of Natural History			\$3,244,932	\$3,244,932
40					\$3,324,472

ITEM 369.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	General Fund Positions.....	39.00	39.00		
2	Nongeneral Fund Positions.....	9.50	9.50		
3	Position Level	48.50	48.50		
4	Fund Sources: General	\$2,433,032	\$2,433,032		
5			\$2,512,572		
6	Special.....	\$781,900	\$781,900		
7	Federal Trust.....	\$30,000	\$30,000		
8	TOTAL FOR OFFICE OF NATURAL RESOURCES			\$400,402,974	\$369,367,942
9					\$369,447,482
10	General Fund Positions.....	1,010.50	1,027.50		
11	Nongeneral Fund Positions.....	1,161.50	1,161.50		
12	Position Level	2,172.00	2,189.00		
13	Fund Sources: General	\$124,087,161	\$91,254,675		
14			\$91,334,215		
15	Special.....	\$38,089,918	\$38,017,745		
16	Commonwealth Transportation	\$413,768	\$413,768		
17	Enterprise	\$12,287,239	\$12,287,239		
18	Trust and Agency	\$37,053,444	\$37,053,444		
19	Debt Service.....	\$232,068	\$232,068		
20	Dedicated Special Revenue	\$111,482,934	\$113,252,561		
21	Federal Trust.....	\$76,756,442	\$76,856,442		

ITEM 370.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF PUBLIC SAFETY				
2	370.	Not set out.			
3	371.	Not set out.			
4	372.	Not set out.			
5	373.	Not set out.			
6	374.	Not set out.			
7	375.	Not set out.			
8	§ 1-24. DEPARTMENT OF CORRECTIONS (799)				
9	376.	Not set out.			
10	377.	Not set out.			
11	378.	Not set out.			
12	379.	Operation of Secure Correctional Facilities (39800).....		\$829,591,107	\$827,666,927
13					\$835,513,109
14		Supervision and Management of Inmates (39802).....	\$422,629,027	\$422,265,376	
15				\$422,760,881	
16		Rehabilitation and Treatment Services - Prisons			
17		(39803)	\$30,185,973	\$34,674,634	
18		Prison Management (39805).....	\$59,703,431	\$59,763,466	
19		Food Services - Prisons (39807)	\$40,533,739	\$40,504,837	
20		Medical and Clinical Services - Prisons (39810).....	\$144,757,312	\$148,085,060	
21				\$155,435,737	
22		Agribusiness (39811).....	\$8,864,484	\$8,864,484	
23		Correctional Enterprises (39812).....	\$48,000,000	\$48,500,000	
24		Physical Plant Services - Prisons (39815).....	\$74,917,141	\$65,009,070	
25		Fund Sources: General	\$757,000,636	\$753,436,409	
26				\$761,282,591	
27		Special	\$70,827,000	\$71,477,000	
28		Dedicated Special Revenue	\$0	\$990,047	
29		Federal Trust.....	\$1,763,471	\$1,763,471	
30	Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.				
31	A. Included in this appropriation is \$1,005,000 in the first year and \$1,005,000 the second year				
32	from nongeneral funds for the purposes listed below. The source of the funds is commissions				
33	generated by prison commissary operations:				
34	1. \$150,000 the first year and \$150,000 the second year for Assisting Families of Inmates, Inc.,				
35	to provide transportation for family members to visit offenders in prison and other ancillary				
36	services to family members;				
37	2. \$780,000 the first year and \$780,000 the second year for distribution to organizations that				
38	work to enhance faith-based services to inmates; and				
39	3. \$75,000 the first year and \$75,000 the second year for the Save Our Shelters "Pen Pals"				
40	program.				
41	B.1. The Department of Corrections is authorized to contract with other governmental entities				
42	to house male and female prisoners from those jurisdictions in facilities operated by the				
43	department.				
44	2. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the				

ITEM 379.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Commonwealth Accounting and Reporting System to reflect the activities of contracts between				
2	the Commonwealth of Virginia and other governmental entities for the housing of prisoners in				
3	facilities operated by the Virginia Department of Corrections.				
4	3. Included in the appropriation for this Item is \$20,367,000 the first year and \$20,367,000 the				
5	second year from the Fund. The Director, Department of Planning and Budget, is authorized to				
6	increase this appropriation to support non-recurring expenditures of the Department of				
7	Corrections.				
8	4. The Department of Corrections shall determine whether it may be possible to contract to				
9	house additional federal inmates or inmates from other states in space available within state				
10	correctional facilities. The department may, subject to the approval of the Governor, enter into				
11	such contracts, to the extent that sufficient bedspace may become available in state facilities for				
12	this purpose.				
13	C. The Department of Corrections may enter into agreements with local and regional jails to				
14	house state-responsible offenders in such facilities and to effect transfers of convicted state				
15	felons between and among such jails. Such agreements shall be governed by the provisions of				
16	Item 418 67.30 of this act.				
17	D. To the extent that the Department of Corrections privatizes food services, the department				
18	shall also seek to maximize agribusiness operations.				
19	E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of				
20	Corrections is authorized to sell on the open market and through the Virginia Farmers' Market				
21	Network any dairy, animal, or farm products of which the Commonwealth imports more than it				
22	exports.				
23	F. It is the intention of the General Assembly that § 53.1-47 of the Code of Virginia,				
24	concerning articles and services produced or manufactured by persons confined in state				
25	correctional facilities, shall be construed such that the term "manufactured" articles shall				
26	include "remanufactured" articles.				
27	G. The Department of Corrections shall administer a STATIC-99 screening to all potential				
28	sexually violent predators eligible for civil commitment pursuant to § 37.2-900 et. seq., Code of				
29	Virginia, within six months of their admission to the custody of the department. The results of				
30	such screenings shall be provided monthly to the Commissioner of the Department of				
31	Behavioral Health and Developmental Services.				
32	H. Out of this appropriation, \$1,763,471 the first year and \$1,763,471 the second year from				
33	nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are				
34	an award from the State Criminal Alien Assistance Program, administered by the U.S.				
35	Department of Justice.				
36	I1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall				
37	continue to operate a behavioral correction program. Offenders eligible for such a program				
38	shall be those offenders: (i) who have never been convicted of a violent felony as defined in				
39	§ 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of				
40	§§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines				
41	developed by the Virginia Criminal Sentencing Commission would recommend a sentence of				
42	three years or more in facilities operated by the Department of Corrections; and (iii) whom the				
43	court determines require treatment for drug or alcohol substance abuse. For any such offender,				
44	the court may impose the appropriate sentence with the stipulation that the Department of				
45	Corrections place the offender in an intensive therapeutic community-style substance abuse				
46	treatment program as soon as possible after receiving the offender. Upon certification by the				
47	Department of Corrections that the offender has successfully completed such a program of a				
48	duration of 24 months or longer, the court may suspend the remainder of the sentence imposed				
49	by the court and order the offender released to supervised probation for a period specified by				
50	the court.				
51	2. If an offender assigned to the program voluntarily withdraws from the program, is removed				
52	from the program by the Department of Corrections for intractable behavior, fails to participate				
53	in program activities, or fails to comply with the terms and conditions of the program, the				
54	Department of Corrections shall notify the court, outlining specific reasons for the removal and				

ITEM 379.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	shall reassign the defendant to another incarceration assignment as appropriate. Under such				
2	terms, the offender shall serve out the balance of the sentence imposed by the court, as				
3	provided by law.				
4	3. The Department of Corrections and the Supreme Court shall develop procedures to be used				
5	in implementing the program.				
6	4. The Department of Corrections shall collect the data and develop the framework and				
7	processes that will enable it to conduct an in-depth evaluation of the program three years after				
8	it has been in operation. The department shall submit a report periodically on the program to				
9	the Chief Justice as he may require and shall submit a report on the implementation of the				
10	program and its usage to the Secretary of Public Safety and the Chairmen of the House				
11	Appropriations and Senate Finance Committees by June 30 of each year.				
12	J. The next priority for the Department of Corrections for the construction of a new medium				
13	security correctional facility shall be given to a location within Charlotte County.				
14	K. The Department of Corrections shall prepare a long range plan to consolidate the secure				
15	correctional facilities at the James River-Powhatan complex on the south side of the James				
16	River in Powhatan County. The plan shall include maintaining the Academy for Staff				
17	Development in its present location and maintaining current farming operations along the flood				
18	plain on the north side of the James River. The plan shall include an assessment of the value				
19	of property at the James River Correctional Center which may be declared surplus, and				
20	estimated capital costs to replace the James River Correctional Center and adjacent work				
21	centers with new facilities to be constructed on the south side of the James River on				
22	state-owned property. Copies of this plan shall be presented to the Secretary of Public Safety				
23	and the Chairmen of the Senate Finance and House Appropriations Committees by November				
24	1, 2010.				
25	L. The Department of Corrections shall prepare an assessment of which correctional facilities				
26	that it may be appropriate to close in the future. The assessment shall take into account the				
27	inmate population forecast, the condition of the physical plants at various correctional facilities				
28	and the projected cost to maintain those facilities, the projected need by the department for				
29	beds by security level, the relative operating costs of various facilities, the net savings that				
30	would be realized from any closing, and the contribution of each facility under consideration to				
31	the various functions of the agency. The assessment shall include the advantages and				
32	disadvantages of closing any specific facility. The department shall report the results of its				
33	assessment to the Secretaries of Finance and Public Safety and the Chairmen of the Senate				
34	Finance and House Appropriations Committees by November 1, 2010.				
35	M. The Department of Corrections, with the support of the Department of Planning and				
36	Budget, shall conduct a thorough examination of inmate medical expenses, with the goal of				
37	substantially reducing the increase in costs. Among the areas to be examined are the				
38	appropriate level of the use of part-time contracted physicians, the rate schedules of hospitals				
39	and other private medical providers utilized by the department, and enhanced treatment of				
40	offenders with chronic medical conditions with department personnel. The department shall				
41	examine those correctional facilities for which it has contracted with a private company to				
42	provide medical services to determine if the department could provide comparable medical				
43	services to inmates in those facilities at a lower cost, as well as the benefit of issuing a new				
44	request for proposals to take effect in FY 2012 when the current contracts are subject to				
45	renewal. In addition to these areas and steps, the department shall examine any other areas or				
46	issues it feels may result in cost decreases. The department shall submit a report, outlining its				
47	findings, the steps it has taken, and any recommendations for policy changes it feels are needed				
48	to reduce increases in inmate medical costs, to the Secretary of Public Safety and the Chairmen				
49	of the House Appropriations and Senate Finance Committees by September 30, 2011.				
50	N. The Department of Planning and Budget, with the assistance of the Department of				
51	Corrections, shall conduct a review of equipment purchases to determine whether there may be				
52	additional opportunities to reduce costs.				
53	O. Included in the appropriation for this Item is \$1,804,000 the second year from the general				
54	fund for the estimated cost of workforce development specialist positions transferred from the				
55	Department of Correctional Education. The Director, Department of Planning and Budget, is				
56	authorized to transfer general fund appropriation between the Department of Corrections and				

ITEM 379.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	the Department of Correctional Education to account for the actual cost of those positions.				
2	P. Included in the appropriation for this item is \$150,000 the second year from nongeneral				
3	funds for a culinary arts program in which inmates are trained to operate food service activities				
4	serving agency staff and the general public. The source of the funds shall be revenues				
5	generated by the program. Any revenues so generated by the program shall not be subject to				
6	§ 4-2.02 of this act and shall be used by the agency for the costs of operating the program.				
7	Q. The Governor is authorized to open any one or more housing units at the new medium				
8	security adult correctional center in Grayson County, provided that the cost of opening such				
9	housing units is provided either through reductions in the number of state-responsible offenders				
10	housed in local and regional jails or by housing out-of-state inmates. The Director, Department				
11	of Planning and Budget, is authorized to approve a revenue anticipation loan from the				
12	Department of the Treasury to support the necessary start-up operations in an amount sufficient				
13	to meet contractual obligations to house out-of-state inmates in this facility prior to June 30,				
14	2012, subject to the approval of the Governor. Thirty days prior to opening any housing units				
15	at the new facility in Grayson County, the Secretary of Public Safety shall present a plan				
16	describing the number of offenders to be housed in the facility, the projected operating costs,				
17	and the source of any revenues supporting the operation of the facility to the Chairmen of the				
18	House Appropriations and Senate Finance Committees.				
19	<i>R. Federal funds received by the Department of Corrections from the federal Residential</i>				
20	<i>Substance Abuse Treatment Program shall be exempt from payment of statewide and agency</i>				
21	<i>indirect cost recoveries into the general fund.</i>				
22	380. Administrative and Support Services (39900).....			\$82,445,092	\$81,288,388
23					\$81,871,033
24	General Management and Direction (39901).....	\$17,630,457	\$17,825,688		
25	Information Technology Services (39902).....	\$23,418,181	\$22,930,888		
26			\$23,513,533		
27	Accounting and Budgeting Services (39903)	\$2,831,709	\$2,831,709		
28	Architectural and Engineering Services (39904)	\$7,083,687	\$7,372,301		
29	Human Resources Services (39914).....	\$3,196,482	\$3,196,482		
30	Planning and Evaluation Services (39916).....	\$550,598	\$619,172		
31	Procurement and Distribution Services (39918).....	\$12,589,693	\$11,367,863		
32	Training Academy (39929).....	\$6,553,531	\$6,553,531		
33	Offender Classification and Time Computation Services				
34	(39930)	\$8,590,754	\$8,590,754		
35	Fund Sources: General	\$77,995,092	\$76,338,388		
36			\$76,921,033		
37	Special.....	\$4,450,000	\$4,950,000		
38	Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.				
39	A. 1. Any plan to modernize and integrate the automated systems of the Department of				
40	Corrections shall be based on developing the integrated system in phases, or modules.				
41	Furthermore, any such integrated system shall be designed to provide the department the data				
42	needed to evaluate its programs, including that data needed to measure recidivism.				
43	2. The appropriation in this Item includes \$984,250 the first year and \$1,585,400 the second				
44	year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of				
45	developing the offender management system. In addition to any general fund appropriations,				
46	the Department of Corrections may, subject to the authorization of the Director, Department of				
47	Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special				
48	Revenue Fund to support the development of the offender management system.				
49	B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from				
50	nongeneral funds to be used for installation and operating expenses of the telemedicine				
51	program operated by the Department of Corrections. The source of the funds is revenue from				
52	inmate fees collected for medical services.				
53	C. Included in this appropriation is \$2,800,000 the first year and \$2,800,000 the second year				
54	from nongeneral funds to be used by the Department of Corrections for the operations of its				

ITEM 380.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Corrections Construction Unit. The Comptroller shall continue the Corrections Construction				
2	Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to				
3	reflect the activities of contracts between the Corrections Construction Unit and (i) institutions				
4	within the Department of Corrections for work not related to a capital project and (ii) agencies				
5	without the Department of Corrections for work performed for those agencies.				
6	D. 1. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director,				
7	Department of Corrections, shall receive offenders into the state correctional system from local				
8	and regional jails at such time as he determines that sufficient, secure and appropriate housing				
9	is available, placing a priority on receiving inmates diagnosed and being treated for HIV,				
10	mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent				
11	with inmate and staff safety, the use of bed space in the state correctional system. The director				
12	shall report monthly to the Secretary of Public Safety and the Department of Planning and				
13	Budget on the number of inmates housed in the state correctional system, the number of inmate				
14	beds available, and the number of offenders housed in local and regional jails that meet the				
15	criteria set out in § 53.1-20 A. and B.				
16	2. The Department of Corrections shall strive to have no more than 500 general population and				
17	reception beds of its base bed space capacity vacant at any one time. The Director, Department				
18	of Planning and Budget, is authorized to increase the department's appropriation of revenue				
19	received from housing out of state inmates by \$12 per prisoner-day that the vacancy level falls				
20	below 500. Any such additional appropriation shall be used only for non-recurring expenses.				
21	E. The Department of Corrections is exempted from the approval requirements of Chapter 11				
22	of the Construction and Professional Services Manual as issued by the Division of Engineering				
23	and Buildings. The Department of Corrections may authorize and initiate design-build contracts				
24	as deemed appropriate by the Director, Department of Corrections, in accordance with				
25	§§ 2.2-4301 and 2.2-4306, Code of Virginia.				
26	F. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be				
27	placed, erected or constructed on, or removed or demolished from the property of the				
28	Commonwealth of Virginia under the control of the Department of Corrections shall not be				
29	subject to review and approval by the Art and Architectural Review Board as contemplated by				
30	§ 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a				
31	facility that is not a secure correctional facility or a structure located on the property of a				
32	secure correctional facility, then the Department of Corrections shall submit that structure to the				
33	Art and Architectural Review Board for review and approval by that board. Such other				
34	structures could include probation and parole district offices or regional offices.				
35	G. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a				
36	portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain				
37	Magisterial District of Culpeper County, Virginia, in consideration of the County's construction				
38	of water capacity and service line(s) adequate to serve the needs of the Department of				
39	Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile				
40	Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary				
41	to serve the facilities, including an eight-inch water service line, and including engineering and				
42	land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the				
43	value of the property for the jail conveyed by the Commonwealth to the County (\$150,382.00,				
44	based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of				
45	the water service line from eight inches to twelve inches, in order to accommodate planned				
46	county needs.				
47	H. Effective July 1, 2011, notwithstanding the provisions of § 58.1-3403, Code of Virginia, the				
48	Department of Corrections shall be exempt from the payment of service charges levied in lieu				
49	of taxes by any county, city, or town.				
50	I. The Department of Corrections shall, either through the elimination of vacant positions or				
51	through other efficiencies, reduce general fund expenditures by \$1,519,095 the first year and				
52	\$1,519,095 the second year.				
53	J. By August 1, 2010, the Director of the Department of Corrections shall identify those				
54	prisoners eligible for parole who may be suitable parole risks and whose interests and those of				
55	society will be served by the grant of discretionary parole, shall recommend such prisoners to				
56	the Parole Board, and shall notify each such prisoner who is the subject of such a				

ITEM 380.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	recommendation. In making such recommendations, the Director shall take into account the				
2	prisoner's criminal history record, mental and physical condition, employability, institutional				
3	adjustment, and such other factors as may be appropriate, including the risk of violence to				
4	others. No prisoner shall be recommended for release prior to the time specified in				
5	§ 53.1-154.1 of the Code of Virginia.				
6	K. From the appropriation for this item, the Director, Department of Planning and Budget, is				
7	authorized to transfer up to \$150,000 each year from the general fund, to the Secretary of				
8	Public Safety, to support a position dedicated to the improvement and coordination of the				
9	Commonwealth's efforts related to the re-entry of offenders into society after being incarcerated				
10	in prison. Improving re-entry efforts is expected to decrease the recidivism of those offenders				
11	and enhance public safety.				
12	L. Included in the appropriation for this item is \$50,000 the first year from the general fund for				
13	the estimated net increase in the operating costs of adult correctional centers resulting from the				
14	enactment of House Bill 1 by the 2010 Session of the General Assembly. This amount shall				
15	be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4,				
16	Code of Virginia.				
17	M. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall				
18	work with the Virginia Community College System and its workforce development programs				
19	and services to provide fidelity bonds to those offenders released from jails or state correctional				
20	centers who are required to provide fidelity bonds as a condition of employment. The				
21	department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay				
22	the costs of this activity.				
23	N. Included in the appropriation for this item is \$338,614 the second year from the general				
24	fund for the estimated net increase in the operating costs of adult correctional centers resulting				
25	from the enactment of House Bills 1516, 1777, 1898, 2063, and 2066, and Senate Bills 772,				
26	745, 1185, and 1222 by the 2011 Session of the General Assembly. This amount shall be paid				
27	into the Corrections Special Reserve Fund, established in accordance with § 30.19.1:4, Code of				
28	Virginia.				
29	<i>O. In the event the Department of Corrections closes a correctional facility for which it has</i>				
30	<i>entered into an agreement with any locality to pay a proportionate share of the debt service for</i>				
31	<i>the establishment of utilities to serve the facility, the department shall continue to pay its</i>				
32	<i>agreed upon share of the debt service, subject to the schedule previously agreed upon.</i>				
33	Total for Department of Corrections.....			\$1,011,100,748	\$1,008,440,046
34					\$1,016,868,873
35	General Fund Positions.....	12,157.50	12,230.50		
36	Nongeneral Fund Positions.....	217.50	232.50		
37	Position Level	12,375.00	12,463.00		
38	Fund Sources: General	\$930,597,797	\$925,657,048		
39			\$934,085,875		
40	Special.....	\$77,062,000	\$78,212,000		
41	Dedicated Special Revenue	\$1,477,480	\$2,467,527		
42	Federal Trust.....	\$1,963,471	\$2,103,471		
43	381. Not set out.				
44	382. Not set out.				
45	383. Not set out.				
46	384. Not set out.				
47	385. Not set out.				
48	386. Not set out.				
49	387. Not set out.				

ITEM 388.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	388.	Not set out.			
2	389.	Not set out.			
3	390.	Not set out.			
4	391.	Not set out.			
5	392.	Not set out.			
6	393.	Not set out.			
7	394.	Not set out.			
8	395.	Not set out.			
9	396.	Not set out.			
10	§ 1-25. DEPARTMENT OF JUVENILE JUSTICE (777)				
11	397.	Not set out.			
12	398.	Supervision of Offenders and Re-Entry Services		\$51,602,864	\$51,717,864 \$50,717,864
13		(35100)			
14					
15		Juvenile Probation and Aftercare Services (35102)	\$51,602,864	\$51,717,864	
16				\$50,717,864	
17		Fund Sources: General	\$50,720,915	\$50,835,915	
18				\$49,835,915	
19		Special	\$145,000	\$145,000	
20		Federal Trust	\$736,949	\$736,949	
21	Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-294, 16.1-322.1 and 66-14, Code of				
22	Virginia.				
23	Notwithstanding the provisions of §16.1-273 of the Code of Virginia, the Department of				
24	Juvenile Justice, including locally-operated court services units, shall not be required to provide				
25	drug screening and assessment services in conjunction with investigations ordered by the				
26	courts.				
27	399.	Not set out.			
28	400.	Operation of Secure Correctional Facilities (39800)		\$80,177,903	\$80,177,903
29					\$78,577,903
30		Juvenile Corrections Center Management (39801)	\$6,349,708	\$6,349,708	
31		Food Services - Prisons (39807)	\$5,954,954	\$5,954,954	
32		Medical and Clinical Services - Prisons (39810)	\$8,749,025	\$8,749,025	
33		Physical Plant Services - Prisons (39815)	\$6,138,535	\$6,138,535	
34		Offender Classification and Time Computation Services			
35		(39830)	\$1,281,248	\$1,281,248	
36		Juvenile Supervision and Management Services			
37		(39831)	\$42,404,022	\$42,404,022	
38				\$40,804,022	
39		Juvenile Rehabilitation and Treatment Services (39832) ..	\$9,300,411	\$9,300,411	
40		Fund Sources: General	\$77,123,877	\$77,123,877	
41				\$75,523,877	
42		Special	\$1,551,293	\$1,551,293	
43		Dedicated Special Revenue	\$48,000	\$48,000	
44		Federal Trust	\$1,454,733	\$1,454,733	
45	Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of				
46	Virginia.				

ITEM 400.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	A. The Department of Juvenile Justice shall retain all funds paid for the support of children				
2	committed to the department to be used for the security, care, and treatment of said children.				
3	B. Beginning with the effective date of any agreement whereby Culpeper County becomes a				
4	member of a detention home commission, or signs an agreement with a local detention home,				
5	to house juveniles in detention as provided in § 16.1-248.1 or § 16.1-284.1, Code of Virginia,				
6	the existing memorandum of agreement between Culpeper County and the Department of				
7	Juvenile Justice, under which the department currently houses Culpeper juveniles who are				
8	detained, shall be terminated. Culpeper County shall satisfy any amount owed the department				
9	for any days during which it housed such juveniles on behalf of the county, but shall be				
10	forgiven any outstanding amount for guaranteed bed space which it did not utilize. The amount				
11	to be forgiven shall be certified by the department, and the county shall apply an equal amount				
12	to the cost of joining a detention commission, or for providing alternative programs to				
13	detention, or both, over the five-year period following termination of the agreement with the				
14	department. The county shall submit an audited statement to the department demonstrating the				
15	appropriate expenditure of such funds no later than June 30, 2012.				
16	C. The Department of Juvenile Justice, with the assistance of the Department of General				
17	Services, the Department of Historic Resources, and the Virginia Economic Development				
18	Partnership shall work with the County of Rockbridge and other appropriate local entities to				
19	address the future use of the property comprising the Natural Bridge Juvenile Correctional				
20	Center. A report outlining potential options for re-use and redevelopment of this property shall				
21	be provided to the Governor, the Secretaries of Public Safety, Administration, Natural				
22	Resources, and Commerce and Trade, and the Chairmen of the Senate Finance and House				
23	Appropriations Committees, by October 1, 2010.				
24	D.1. The Department of Juvenile Justice shall prepare a report on the future of juvenile				
25	correctional centers (JCCs) in the Commonwealth. The report shall include: (1) an analysis of				
26	JCC utilization rates; (2) an analysis of local and regional secure juvenile detention center				
27	utilization rates; (3) a determination of the appropriate number and types of beds, including				
28	security levels, necessary to manage the projected state-responsible and local-responsible				
29	juvenile population; and (4) an analysis of options for providing regional transitional programs				
30	and re-entry services at selected local and regional juvenile secure detention facilities.				
31	2. In preparing this report, the department shall consult with representatives of the following:				
32	(1) the Department of Correctional Education; (2) the Department of Education; (3) the				
33	Virginia Council on Juvenile Detention; (4) juvenile court service unit directors; (5) juvenile				
34	and domestic relations district court judges; (6) juvenile advocacy groups; (7) the Virginia				
35	Prisoner and Juvenile Offender Re-entry Council; (8) the Virginia Municipal League; and (9)				
36	the Virginia Association of Counties. This consultation shall address the prospect of				
37	implementing a plan for: (1) the closing of one state juvenile correctional center and				
38	reallocating the cost savings to regional transitional programs and re-entry services at selected				
39	local and regional juvenile secure detention facilities; and (2) identifying funding to be				
40	transferred for the purpose of reinvesting in such programs and services. The report shall detail				
41	the feasibility and core components of such a plan and shall include a fiscal analysis of the				
42	impact on localities and on the department of the plan. The fiscal analysis shall address state				
43	responsibilities related to transportation, education, medication, assistance to support security				
44	services provided directly by the juvenile detention facility, and comprehensive programming				
45	provided on a contractual basis by private, for-profit and non-profit providers, based on				
46	evidenced-based practices.				
47	3. The report shall be provided to the Governor, the Secretary of Public Safety, and the				
48	Chairmen of the Senate Finance and House Appropriations Committees on or before October 1,				
49	2011.				
50	401. Administrative and Support Services (39900).....			\$16,682,177	\$16,682,177
51					\$16,282,177
52	General Management and Direction (39901).....	\$3,975,475	\$3,975,475		
53			\$3,575,475		
54	Information Technology Services (39902).....	\$5,138,119	\$5,138,119		
55	Accounting and Budgeting Services (39903)	\$4,495,744	\$4,495,744		
56	Architectural and Engineering Services (39904)	\$411,594	\$411,594		

ITEM 401.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Food and Dietary Services (39907)	\$347,627	\$347,627		
2	Human Resources Services (39914).....	\$1,847,186	\$1,847,186		
3	Planning and Evaluation Services (39916).....	\$466,432	\$466,432		
4	Fund Sources: General	\$16,339,133	\$15,379,133		
5			\$14,979,133		
6	Special.....	\$20,000	\$980,000		
7	Federal Trust.....	\$323,044	\$323,044		
8	Authority: §§ 66-3 and 66-13, Code of Virginia.				
9	In implementing the position reductions contained in this item, the Department of Juvenile Justice shall develop a plan, subject to the approval of the Secretary of Public Safety, to reduce administrative expenses, including three management level positions in the central office so as to increase management span of control, and other expenses as necessary. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by July 15, 2010.				
10					
11					
12					
13					
14					
15	Total for Department of Juvenile Justice.....			\$197,563,605	\$198,478,605
16					\$195,478,605
17	General Fund Positions.....	2,264.00	2,264.00		
18	Nongeneral Fund Positions.....	19.00	19.00		
19	Position Level	2,283.00	2,283.00		
20	Fund Sources: General	\$191,402,480	\$191,357,480		
21			\$188,357,480		
22	Special.....	\$1,766,293	\$2,726,293		
23	Dedicated Special Revenue.....	\$48,000	\$48,000		
24	Federal Trust.....	\$4,346,832	\$4,346,832		
25	402.	Not set out.			
26	403.	Not set out.			
27	404.	Not set out.			
28	405.	Not set out.			
29	406.	Not set out.			
30	407.	Not set out.			
31	408.	Not set out.			
32	409.	Not set out.			
33	410.	Not set out.			
34	411.	Not set out.			
35	412.	Not set out.			
36	413.	Not set out.			
37	414.	Not set out.			
38	415.	Not set out.			
39	416.	Not set out.			
40	426.	Not set out.			

ITEM 426.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	TOTAL FOR OFFICE OF PUBLIC SAFETY			\$2,554,740,254	\$2,560,365,318
2					\$2,565,794,145
3	General Fund Positions.....	18,241.37	18,250.37		
4	Nongeneral Fund Positions.....	2,707.68	2,774.68		
5	Position Level	20,949.05	21,025.05		
6	Fund Sources: General	\$1,658,019,662	\$1,654,613,573		
7			<i>\$1,660,042,400</i>		
8	Special.....	\$192,260,320	\$194,211,985		
9	Commonwealth Transportation	\$9,100,056	\$8,983,068		
10	Enterprise	\$531,254,464	\$531,254,464		
11	Trust and Agency	\$10,020,000	\$10,020,000		
12	Dedicated Special Revenue	\$28,632,291	\$29,236,987		
13	Federal Trust.....	\$125,453,461	\$132,045,241		

ITEM 427.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF TECHNOLOGY				
2	427.	Not set out.			
3	428.	Not set out.			
4	§ 1-26. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)				
5	429.	Not set out.			
6	430.	Executive Management (71300).....		(\$2,430,610)	(\$1,385,693)
7					\$0
8		Savings From Management Actions (71301)	(\$2,430,610)	(\$1,385,693)	
9				\$0	
10		Fund Sources: General.....	(\$2,430,610)	(\$1,385,693)	
11				\$0	
12	Authority: Discretionary Inclusion				
13	This appropriation reflects savings resulting from information technology and telecommunications operating efficiencies achieved by the Virginia Information Technologies Agency through renegotiated service rates and reduced overhead costs for services provided to customers. The Department of Planning and Budget is hereby authorized to reduce the general fund appropriation of each agency and institution in the Executive Department, as contained in Part 1 of this act, by an amount determined by the Virginia Information Technologies Agency to be each agency's share of these savings. The general fund amount, estimated at \$2,430,610 the first year and \$1,385,693 the second year, shall be transferred to this Item. The nongeneral fund amount, estimated at \$953,423 the first year and \$593,232 the second year, shall be transferred to the general fund by the State Comptroller pursuant to the provisions of § 3-1.01 of this act. The Department of Planning and Budget shall provide to the State Comptroller the agency-specific detail necessary to effect these transfers.				
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25	431.	Not set out.			
26	432.	Not set out.			
27	433.	Not set out.			
28	434.	Not set out.			
29	435.	Not set out.			
30		Total for Virginia Information Technologies Agency.....		\$47,240,810	\$48,302,718
31					\$49,688,411
32		General Fund Positions.....	26.00	26.00	
33		Nongeneral Fund Positions.....	298.00	295.00	
34		Position Level	324.00	321.00	
35		Fund Sources: General.....	(\$182,718)	\$743,172	
36				\$2,128,865	
37		Special.....	\$5,477,000	\$5,567,000	
38		Dedicated Special Revenue.....	\$41,946,528	\$41,946,528	
39		Federal Trust.....	\$0	\$46,018	
40		TOTAL FOR OFFICE OF TECHNOLOGY.....		\$52,204,593	\$53,766,739
41					\$55,152,432
42		General Fund Positions.....	31.00	31.00	
43		Nongeneral Fund Positions.....	298.00	295.00	
44		Position Level	329.00	326.00	

ITEM 435.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Fund Sources: General	\$4,781,065	\$6,207,193		
2			\$7,592,886		
3	Special.....	\$5,477,000	\$5,567,000		
4	Dedicated Special Revenue	\$41,946,528	\$41,946,528		
5	Federal Trust.....	\$0	\$46,018		

ITEM 436.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF TRANSPORTATION					
2	436.	Not set out.				
3	437.	Not set out.				
4	438.	Not set out.				
5	439.	Not set out.				
6	440.	Not set out.				
7	441.	Not set out.				
8	442.	Not set out.				
9	443.	Not set out.				
10	444.	Not set out.				
11	445.	Not set out.				
12	446.	Not set out.				
13	447.	Not set out.				
14	448.	Not set out.				
15	449.	Not set out.				
16	§ 1-27. DEPARTMENT OF TRANSPORTATION (501)					
17	450.	Environmental Monitoring and Evaluation (51400).....			\$12,488,085	\$12,364,888
18						\$11,803,292
19		Environmental Monitoring and Compliance for				
20		Highway Projects (51408).....	\$10,364,773	\$10,280,104		
21				\$9,760,940		
22		Environmental Monitoring Program Management and				
23		Direction (51409).....	\$2,123,312	\$2,084,784		
24				\$2,042,352		
25		Fund Sources: Commonwealth Transportation	\$12,488,085	\$12,364,888		
26				\$11,803,292		
27		Authority: Title 33.1, Code of Virginia.				
28	451.	Ground Transportation Planning and Research (60200)...			\$41,632,095	\$65,076,510
29						\$65,395,932
30		Ground Transportation System Planning (60201).....	\$37,203,983	\$50,837,888		
31				\$50,492,044		
32		Ground Transportation System Research (60202).....	\$1,720,427	\$11,556,477		
33				\$11,872,899		
34		Ground Transportation Program Management and				
35		Direction (60204).....	\$2,707,685	\$2,682,145		
36				\$3,030,989		
37		Fund Sources: Commonwealth Transportation	\$41,632,095	\$65,076,510		
38				\$65,395,932		
39		Authority: Title 33.1, Code of Virginia.				
40	1. Included in the amount for ground transportation system planning and research is no less					
41	than \$4,500,000 the first year and no less than \$4,500,000 the second year from the highway					

ITEM 451.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	share of the Transportation Trust Fund for the planning and evaluation of options to address				
2	transportation needs.				
3	2. In addition, the Commonwealth Transportation Board may approve the expenditures of up to				
4	\$500,000 the first year and \$500,000 the second year from the highway share of the				
5	Transportation Trust Fund for the completion of advance activities, prior to the initiation of an				
6	individual project's design along existing highway corridors, to determine short-term and				
7	long-term improvements to the corridor. Such activities shall consider safety, access				
8	management, alternative modes, operations, and infrastructure improvements. Such funds shall				
9	be used for, but are not limited to, the completion of activities prior to the initiation of an				
10	individual project's design or to benefit identification of needs throughout the state or the				
11	prioritization of those needs. For federally eligible activities, the activity or item shall be				
12	included in the Commonwealth Transportation Board's annual update of the Six-Year				
13	Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for				
14	the activities and (ii) all requirements of the federal Statewide Transportation Improvement				
15	Program can be achieved.				
16	3.a. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth				
17	Transportation Board all allocations of such funds in this paragraph. The planning and				
18	evaluation may be conducted or managed by the Department of Transportation, Department of				
19	Rail and Public Transportation, or another qualified entity selected and/or approved by the				
20	Commonwealth Transportation Board.				
21	b. The office shall work directly with affected Metropolitan Planning Organizations to develop				
22	and implement quantifiable and achievable goals relating to congestion reduction and safety,				
23	transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian				
24	facilities, air quality, and/or per-capita vehicle miles traveled pursuant to Chapters 670 and 690				
25	of the 2009 Acts of Assembly.				
26	c. For allocation of funds under Paragraph 1, the Office may give a higher priority for planning				
27	grants to (i) regional organizations to analyze various land development scenarios for their long				
28	range transportation plans, (ii) local governments to revise their comprehensive plans and other				
29	applicable local ordinances to designate urban development areas pursuant to Chapter 896 of				
30	the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local				
31	governments, regional organizations, transit agencies and other appropriate entities to develop				
32	plans for transit oriented development and the expansion of transit service. Such analyses,				
33	plans, and ordinances shall be shared with the regional planning district commission or				
34	metropolitan planning organization and the department.				
35	4. The Secretary of Transportation, in conjunction with the Department of Transportation, shall				
36	undertake an analysis of the potential to substantially reduce the size and scope of the Virginia				
37	Transportation Research Council (VTRC) in order to more effectively utilize funding available				
38	for transportation in the Commonwealth. Such study shall detail the sources of the VTRC				
39	funding by functional area and by staffing levels; evaluate the cost-effectiveness of conducting				
40	research activities in-house; investigate cost savings potentially available from outsourcing				
41	materials and related engineering research; consider the potential of directing federal grants				
42	through Virginia's research universities; and consolidate soft-science evaluations into the				
43	department's existing offices of policy analysis and management services.				
44	The Secretary shall present to the Chairmen of the House Appropriations and Transportation				
45	Committees and the Senate Finance and Transportation Committees no later than October 15,				
46	2010, a report outlining his recommendations on a reorganization of the research activities				
47	currently undertaken at the VTRC, and identify how to implement budget reductions to the				
48	Council of 25 percent, 50 percent and 75 percent would be implemented so that the findings of				
49	the study may be incorporated into amendments to the fiscal year 2010-2012 biennial budget in				
50	the 2011 Session of the General Assembly.				
51	452. Highway System Acquisition and Construction (60300) ..			\$1,097,844,626	\$1,332,957,573
52					\$2,384,951,276
53	Dedicated and Statewide Construction (60302)	\$405,819,327	\$616,476,151		
54			\$1,654,246,099		
55	Interstate Construction (60303)	\$306,041,330	\$365,814,273		
56			\$314,071,458		
57	Primary Construction (60304)	\$221,458,401	\$188,126,624		

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1			\$233,348,661		
2	Secondary Construction (60306)	\$64,669,474	\$49,600,186		
3			\$66,365,164		
4	Urban Construction (60307)	\$64,646,250	\$79,714,502		
5			\$98,132,461		
6	Highway Construction Program Management (60315)	\$35,209,844	\$33,225,837		
7			\$18,787,433		
8	Fund Sources: General	\$32,700,000	\$0		
9			\$67,241,000		
10	Commonwealth Transportation	\$885,122,398	\$1,133,349,638		
11			\$1,099,118,611		
12	Trust and Agency	\$180,022,228	\$199,607,935		
13			\$1,218,591,665		
14	Authority: Title 33.1, Chapter 1; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of				
15	1989, Special Session II.				
16	A. Included in the amounts for dedicated and statewide construction is \$15,000,000 the first				
17	year and \$an amount determined by the Commonwealth Transportation Board, not less than				
18	\$15,000,000 and not to exceed \$200,000,000 the second year from the Commonwealth				
19	Transportation Fund, which shall be allocated to localities for revenue sharing. No additional				
20	amount shall be appropriated from the proceeds of Commonwealth of Virginia Transportation				
21	Capital Projects Revenue Bonds for this program.				
22	B. Notwithstanding § 33.1-23.1 of the Code of Virginia, the proceeds from the lease or sale of				
23	surplus and residue property purchased under this program in excess of related costs shall be				
24	applied to the system and locality where the residue property is located. This funding shall be				
25	provided as an increase to the allocations distributed to the systems and localities according to				
26	§ 33.1-23.1 of the Code of Virginia.				
27	C. The Director, Department of Planning and Budget, is authorized to increase the				
28	appropriation as needed to utilize amounts available from prior year balances in the dedicated				
29	funds.				
30	D. Included in the amounts for dedicated and statewide construction is the reappropriation of				
31	\$81,200,000 the first year and \$64,000,000 the second year from bond proceeds or dedicated				
32	special revenues for anticipated expenditure of amounts collected in prior years. The amounts				
33	will be provided from balances in the Northern Virginia Transportation District Fund, State				
34	Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and				
35	the Priority Transportation Fund. These amounts were originally appropriated when received or				
36	forecasted and are not related to FY 2011 and FY 2012 estimated revenues.				
37	E. Projects being developed and procured through adopted state, local or regional design-build				
38	provisions, other than those required by § 33.1-12(2)(b), Code of Virginia, may be considered				
39	for funding from the Transportation Partnership Opportunity Fund. In addition, an application				
40	requesting funding from the fund shall be limited to requesting only one form of assistance and				
41	the limitations included in § 33.1-221.1:8(E), Code of Virginia.				
42	F. Upon issuance of a resolution by a local governing body that a property has been designated				
43	for school construction, and upon presentation of such resolution to the Commonwealth				
44	Transportation Board with an accompanying notification that such project is ready to move				
45	forward, the Commonwealth Transportation Board shall immediately reduce the speed limit on				
46	abutting primary and secondary roadways to 35 miles per hour or less.				
47	G. 1. Of the amounts contained in this Item, \$32,700,000 the first year and \$67,241,000 the				
48	second year from the general fund shall be deposited in the Virginia Transportation				
49	Infrastructure Bank, created pursuant to legislation passed during the 2011 Session of the				
50	General Assembly, to provide direct loans to private and governmental entities for the				
51	construction and capital maintenance of the Commonwealth's transportation infrastructure and				
52	transit systems. In addition, \$250,000,000 from the Commonwealth Transportation Fund shall				
53	be deposited into the Virginia Transportation Infrastructure Bank.				
54	2. These funds are not to be distributed through formulas designated by the Code of Virginia				

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	for the Commonwealth Transportation Fund or the Transportation Trust Fund. Notwithstanding				
2	§ 33.1-23.03:2, Code of Virginia, the FY 2010 general fund surplus <i>and the FY 2011 general</i>				
3	<i>fund surplus</i> designated in accordance with § 2.2-1514, Code of Virginia, shall be used for the				
4	loan program.				
5	3. The Secretary of Transportation and the Secretary of Finance are authorized to structure a				
6	program for the purpose of loaning the general and nongeneral fund appropriation to localities,				
7	governmental entities and authorities, railroads, transit companies, and private sector companies.				
8	4. Notwithstanding any other provision of law, this item shall be the sole authority for				
9	capitalizing the bank. As a condition of this appropriation, and prior to the transfer of any				
10	general funds or Commonwealth Transportation funds to the bank, the Secretary of				
11	Transportation shall certify in writing to the Governor and the Chairman of the House				
12	Committees on Appropriations and Transportation and the Senate Committees on Finance and				
13	Transportation a plan that shall include, but not be limited to, identification of any specific				
14	project or program balance to be transferred to the bank as well as the corresponding fund				
15	source.				
16	H. Included in the appropriation for this Item is \$50,000,000 the second year from the				
17	Commonwealth Transportation Fund for deposit into the Transportation Partnership Opportunity				
18	Fund.				
19	I. Included in the amounts for dedicated and statewide construction the second year is funding				
20	provided for non-federal qualifying construction to be allocated based on Commonwealth				
21	Transportation Board priorities.				
22	J. From the amounts in this item, the department shall provide funding to implement the				
23	provisions of Senate Bill 952 as adopted by the 2011 General Assembly.				
24	453. Highway System Maintenance and Operations (60400) ...			\$1,345,265,474	\$1,389,693,873
25					\$1,412,550,772
26	Interstate Maintenance (60401)	\$345,261,314	\$364,165,819		
27			\$356,588,745		
28	Primary Maintenance (60402)	\$456,737,329	\$472,612,895		
29			\$470,176,380		
30	Secondary Maintenance (60403)	\$345,283,569	\$350,819,285		
31			\$373,198,620		
32	Transportation Operations Services (60404).....	\$120,617,998	\$124,260,622		
33			\$138,826,867		
34	Highway Maintenance Operations, Program				
35	Management and Direction (60405).....	\$77,365,264	\$77,835,252		
36			\$73,760,160		
37	Fund Sources: Commonwealth Transportation	\$1,345,265,474	\$1,389,693,873		
38			\$1,412,550,772		
39	Authority: Title 33.1, Chapter 1, Code of Virginia.				
40	B. Out of the funds provided in this program, an amount estimated at \$177,790,007 the first				
41	year and \$194,533,826 \$167,306,247 the second year from federal funds shall be used to				
42	address the maintenance of pavements and bridges and the operations of the transportation				
43	system. These funds shall be matched by other funds appropriated to this Item.				
44	C. The department is authorized to enter into agreements with state and local law enforcement				
45	officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout				
46	the Commonwealth and metropolitan planning regions.				
47	D. Should federal law be changed to permit privatization of rest area operations, the				
48	Department is hereby authorized to accept or solicit proposals for their development and/or				
49	operation under the Public Private Transportation Act.				
50	E. The Director, Department of Planning and Budget, is authorized to increase the				
51	appropriation in this Item as needed to utilize amounts available from prior year balances in the				
52	dedicated funds.				

ITEM 453.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	F. Prior to undertaking any network capacity improvements or other enhancements to roads				
2	intersecting with State Route 193 ("Georgetown Pike"), including the intersection with State				
3	Route 7, the Commissioner, in coordination with the Director of the Department of Historic				
4	Resources, shall ensure that any proposed improvements respect the historic nature of				
5	Georgetown Pike.				
6	454. Commonwealth Toll Facilities (60600)			\$49,055,893	\$49,738,455
7	Toll Facility Debt Service (60602)	\$9,498,100	\$3,493,850		
8			\$7,116,342		
9	Toll Facility Maintenance and Operation (60603)	\$6,136,533	\$13,355,534		
10			\$9,433,042		
11	Toll Facilities Revolving Fund (60604).....	\$33,421,260	\$33,189,071		
12	Fund Sources: Commonwealth Transportation	\$33,421,260	\$33,189,071		
13			\$43,049,407		
14	Trust and Agency	\$6,327,814	\$6,689,048		
15	Debt Service.....	\$9,306,819	\$9,860,336		
16			\$0		
17	Authority: §§ 33.1-23.03:1 and 33.1-267 through 33.1-295, Code of Virginia.				
18	A. Included in this Item are funds for the installation and implementation of a statewide				
19	Electronic Toll Customer Service/Violation Enforcement System.				
20	B. Funds as appropriated are provided for other toll facility initiatives as needed during the				
21	biennium including but not limited to funding activities to advance projects pursuant to the				
22	Public-Private Transportation Act.				
23	455. Financial Assistance to Localities for Ground				
24	Transportation (60700).....			\$367,149,862	\$380,993,165
25					\$379,714,477
26	Financial Assistance for City Road Maintenance				
27	(60701)	\$306,038,172	\$318,241,699		
28	Financial Assistance for County Road Maintenance				
29	(60702)	\$46,269,449	\$48,120,227		
30			\$48,341,539		
31	Financial Assistance for Planning, Access Roads, and				
32	Special Projects (60704)	\$14,842,241	\$14,631,239		
33			\$13,131,239		
34	Fund Sources: Commonwealth Transportation	\$367,149,862	\$380,993,165		
35			\$379,714,477		
36	Authority: Title 33.1, Chapter 1, Code of Virginia.				
37	A. Notwithstanding §§ 33.1-23.5:1 and 33.1-41.1, Code of Virginia, the Department of				
38	Transportation shall adjust for inflation the payments made as part of Financial Assistance to				
39	Localities distributions and report such inflation adjustment to the Commonwealth				
40	Transportation Board.				
41	B. Out of the amounts for Financial Assistance for Planning, Access Road, and Special				
42	Projects, \$7,000,000 the first year and \$7,000,000 \$5,500,000 the second year from the				
43	Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.1-221,				
44	33.1-221.1:1, and 33.1-223, Code of Virginia. Of this amount, the allocation for Recreational				
45	Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second year.				
46	C. Out of the amounts for Financial Assistance for Planning, Access Roads, and Special				
47	Projects, \$50,000 the first year and \$50,000 the second year from the Commonwealth				
48	Transportation Fund shall be provided to support the transportation planning activities of the				
49	Northern Virginia Transportation Authority. The authority shall comply with all applicable				
50	federal and state regulations to receive the funds.				
51	D. For any city or town that assumes responsibility for its construction program as outlined in				
52	§ 33.1-23.3 D, Code of Virginia, the matching highway fund requirement contained in				

ITEM 455.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	§ 33.1-44, Code of Virginia, shall be waived for all new projects approved on or after July 1,				
2	2005.				
3	E. The Department of Transportation is encouraged to promote the construction and				
4	improvement of primary and secondary highways by counties, consistent with Section 33.1-75.3				
5	of the Code of Virginia, whether or not such improvements are contained in the Six-Year				
6	Improvement Program or Plan. If such improvements are not contained in the Six-Year				
7	Improvement Program or Plan, the counties may not seek reimbursement from the department				
8	for the improvements.				
9	456. Non-Toll Supported Transportation Debt Service				
10	(61200)			\$235,530,078	\$243,422,015
11					\$257,741,760
12	Highway Transportation Improvement District Debt				
13	Service (61201)	\$7,528,835	\$7,529,625		
14	Designated Highway Corridor Debt Service (61202)	\$79,084,756	\$83,091,256		
15	Federal Highway Revenue Anticipation Notes Debt				
16	Service (61203)	\$112,005,441	\$98,584,053		
17	Commonwealth Transportation Capital Projects Bond				
18	Act Debt Service (61204)	\$36,911,046	\$54,217,081		
19			\$68,536,826		
20	Fund Sources: General	\$12,000,000	\$68,000,000		
21	Trust and Agency	\$223,530,078	\$167,141,927		
22			\$181,461,672		
23	Federal Trust	\$0	\$8,280,088		
24	Authority: Titles 15, 33, and 58 of the Code of Virginia; Chapters 827 and 914, Acts of				
25	Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended				
26	by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of				
27	2000; Chapter 799, Acts of Assembly of 2002; and Chapter 896, Acts of Assembly of 2007				
28	A.1. The amount shown for Highway Transportation Improvement District Construction shall				
29	be derived from payments made to the Transportation Trust Fund pursuant to the Contract				
30	between the State Route 28 Highway Transportation Improvement District and the				
31	Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended				
32	and Restated District Contract by and among the Commonwealth Transportation Board, the				
33	Fairfax County Economic Development Authority and the State Route 28 Highway				
34	Transportation Improvement District Commission (the "District Commission") dated August 30,				
35	2002 (the "District Contract").				
36	2. There is hereby appropriated for payment immediately upon receipt to a third party approved				
37	by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a				
38	sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and				
39	Loudoun within the State Route 28 Highway Transportation Improvement District and paid to				
40	the Commonwealth Transportation Board by or on behalf of the District Commission (the				
41	"contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District				
42	Contract between the Commonwealth Transportation Board and the District Commission.				
43	3. The contract payments may be supplemented from primary funds allocated to the highway				
44	construction district in which the project financed is located, or from the secondary system				
45	construction allocation to the county or counties in which the project financed is located, and				
46	from any other lawfully available revenues of the Transportation Trust Fund, as may be				
47	necessary to meet debt service obligations. The payment of debt service shall be for the bonds				
48	(the Series 2002 Bonds) issued under the "Commonwealth of Virginia Transportation Contract				
49	Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by				
50	Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt				
51	service on the Series 2002 Bonds shall be made available in the amounts indicated in				
52	paragraph E of this Item.				
53	B.1. Out of the amounts for Designated Highway Corridor Construction, \$12,000,000 the first				
54	year and \$68,000,000 the second year, a total of \$80,000,000 for the biennium, from the				
55	general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter				
56	referred to as the "Fund", established pursuant to § 58.1-815, Code of Virginia. This payment				

ITEM 456.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited				
2	Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be				
3	retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor				
4	Development Fund, an amount estimated at \$20,000,000 the first year and \$4,000,000 the				
5	second year, a total of \$24,000,000 for the biennium, shall be transferred from the highway				
6	share of the Transportation Trust Fund.				
7	2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond				
8	Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly), the amounts shown				
9	in paragraph E of this Item shall be available from the Fund for debt service for the bonds				
10	previously issued and additional bonds issued pursuant to said act.				
11	3. The commissioner shall report on or before July 1 of each year to the Chairmen of the				
12	Senate Finance and House Appropriations Committees on the cash balances in the Route 58				
13	Corridor Development Fund. In addition, the report shall include the following program-to-date				
14	information: (i) a comparison of actual spending to allocations by project and district; (ii)				
15	expenditures by project, district, and funding source; and (iii) a six-year plan for planned future				
16	expenditures from the Fund by project and district.				
17	C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia				
18	Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 58.1-815.1,				
19	Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the				
20	Fund shall include at least the following elements:				
21	a. Amounts transferred from Item 255 of this act to this Item.				
22	b. An amount estimated at \$8,000,000 the first year and \$8,000,000 the second year, which				
23	shall be transferred from the highway share of the Transportation Trust Fund.				
24	c. Any public right-of-way use fees allocated by the Department of Transportation pursuant to				
25	§ 58.1-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and				
26	Prince William, the amounts estimated at \$5,500,000 the first year and \$5,500,000 the second				
27	year.				
28	d. Any amounts which may be deposited into the Fund pursuant to a contract between the				
29	Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the				
30	Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the				
31	first year and \$816,000 the second year.				
32	2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for				
33	the purposes provided in the "Northern Virginia Transportation District, Commonwealth of				
34	Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by				
35	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
36	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
37	of Assembly, and Chapter 621 of the 2005 Acts of Assembly.				
38	3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia				
39	Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by				
40	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
41	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
42	of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E				
43	of this Item shall be available from the Fund for debt service for the bonds previously issued				
44	and additional bonds issued pursuant to said act.				
45	4. Should the actual distribution of recordation taxes to the localities set forth in § 58.1-815.1,				
46	Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to				
47	the above act, such excess amount shall be transferred to the Northern Virginia Transportation				
48	District Fund in furtherance of the program described in § 33.1-221.1:3, Code of Virginia.				
49	5. Should the actual distribution of recordation taxes to said localities be less than the amount				
50	required to pay debt service on the bonds, the Commonwealth Transportation Board is				
51	authorized to meet such deficiency, to the extent required, from funds identified in Enactment				
52	No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.				

ITEM 456.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account				
2	of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds				
3	transferred from Item 255 of this act to this Item, and an amount estimated at \$1,500,000 the				
4	first year and \$1,500,000 the second year received from the City of Chesapeake pursuant to a				
5	contract or other alternative mechanism for the purpose provided in the "Oak Grove Connector,				
6	City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of				
7	1994," Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the "Oak				
8	Grove Connector Act").				
9	2. The amounts shown in paragraph E of this Item shall be available from the City of				
10	Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the				
11	Oak Grove Connector Act.				
12	3. Should the actual distribution of recordation taxes and such local revenues from the City of				
13	Chesapeake as may be received pursuant to a contract or other alternative mechanism to the				
14	City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt				
15	service on the bonds, the Commonwealth Transportation Board is authorized to meet such				
16	deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.				
17	E. Pursuant to various Payment Agreements between the Treasury Board and the				
18	Commonwealth Transportation Board, funds required to pay the debt service due on the				
19	following Commonwealth Transportation Board bonds shall be transferred to the Treasury				
20	Board as follows:				
21		FY 2011	FY 2012		
22	Transportation Contract Revenue Refund Bonds, Series 2002				
23	(Route 28)	\$7,528,835	\$7,529,625		
24					
25	Commonwealth of Virginia Transportation Revenue Bonds:				
26	U.S. Route 58 Corridor Development Program:				
27					
28	Series 2001B	\$3,760,113	\$3,758,563		
29	Series 2002 B (Refunding)	\$7,234,938	\$7,235,688		
30	Series 2003A (Refunding)	\$9,916,775	\$9,911,725		
31	Series 2004B	\$23,086,913	\$23,088,263		
32	Series 2006C	\$3,173,000	\$3,173,000		
33	Series 2007B	\$4,197,750	\$4,197,750		
34					
35	Northern Virginia Transportation District Program:				
36					
37	Series 2001A	\$2,822,413	\$2,826,213		
38	Series 2002A	\$12,359,444	\$12,358,944		
39	Series 2004A	\$8,294,750	\$8,289,250		
40	Series 2006B	\$973,363	\$973,363		
41	Series 2007A	\$4,526,600	\$4,535,600		
42	Series 2009A-1	\$2,206,150	\$2,207,350		
43	Series 2009A-2	\$3,305,799	\$3,305,799		
44					
45	Transportation Program Revenue Bonds:				
46	Series 2006A (Oak Grove Connector, City of Chesapeake)	\$2,226,750	\$2,229,750		
47					
48	Capital Projects Revenue Bonds:				
49					
50	Series 2010A-1	\$17,181,308	\$16,927,750		
51	Series 2010A-2	\$19,729,738	\$20,351,592		
52	F.1. Out of the amounts provided for this Item, an estimated \$112,005,441 the first year and				
53	\$98,584,053 the second year shall be provided from federal highway and highway assistance				
54	reimbursements for the debt service payments on the Federal Highway Reimbursement				
55	Anticipation Notes.				
56	2. Notwithstanding Chapters 1019 and 1044, Acts of Assembly of 2000, this act, or any other				
57	provision of law, any additional amounts needed to offset the debt service payment				
58	requirements on the Transportation Trust Fund attributable to the issuance of Federal Highway				

ITEM 456.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Reimbursement Anticipation Notes shall be provided from the Priority Transportation Fund to				
2	the extent available and then from the portion of the Transportation Trust Fund available for				
3	highway construction purposes prior to making the allocations required by § 33.1-23.1 B of the				
4	Code of Virginia.				
5	G. Out of the amounts provided for this Item, an estimated \$37,000,000 the first year and				
6	\$58,100,000 the second year shall be provided from the Priority Transportation Fund for debt				
7	service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any				
8	additional amounts needed to offset the debt service payment requirements attributable to the				
9	issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust				
10	Fund.				
11	H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of				
12	the Governor, to issue, pursuant to the applicable provisions of the State Revenue Bond Act				
13	(§ 33.1-267 et seq., Code of Virginia) as amended from time to time, revenue obligations of the				
14	Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects				
15	Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to				
16	exceed \$180,000,000, after all costs. The net proceeds of the Bonds shall be used exclusively				
17	for the purpose of providing funds for paying the costs incurred or to be incurred for				
18	construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the				
19	Acts of Assembly of 2007, including but not limited to environmental and engineering studies;				
20	rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction				
21	and related improvements; and any financing costs and other financing expenses. Such costs				
22	may include the payment of interest on the Bonds for a period during construction and not				
23	exceeding one year after completion of construction of the projects.				
24	457. Administrative and Support Services (69900).....			\$217,440,499	\$224,347,182
25					\$215,656,062
26	General Management and Direction (69901).....	\$125,566,212	\$117,977,903		
27			\$108,386,783		
28	Information Technology Services (69902).....	\$69,414,567	\$83,546,946		
29			\$84,446,946		
30	Facilities and Grounds Management Services (69915).....	\$13,554,435	\$13,852,756		
31	Employee Training and Development (69924).....	\$8,905,285	\$8,969,577		
32	Fund Sources: Commonwealth Transportation	\$217,440,499	\$224,347,182		
33			\$215,656,062		
34	Authority: Title 33.1, Code of Virginia.				
35	A. Notwithstanding any other provision of law, the highway share of the Transportation Trust				
36	Fund shall be used for highway maintenance and operation purposes prior to its availability for				
37	new development, acquisition, and construction.				
38	B. Administrative and Support Services shall include funding for management, direction, and				
39	administration to support the department's activities that cannot be directly attributable to				
40	individual programs and/or projects.				
41	C. Out of the amounts for General Management and Direction, allocations shall be provided to				
42	the Commonwealth Transportation Board to support its operations, the payment of financial				
43	advisory and legal services, and the management of the Transportation Trust Fund.				
44	D. Notwithstanding any other provision of law, the Department may assess and collect the				
45	costs of providing services to other entities, public and private. The Department shall take all				
46	actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and				
47	understood as a condition to providing such service.				
48	E. Each year, as part of the six-year financial planning process, the Commissioner shall				
49	implement a long-term business strategy that considers appropriate staffing levels for the				
50	department. In addition, the Commissioner shall identify services, programs, or projects that				
51	will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such				
52	evaluations, the Commissioner is authorized to use the appropriate resources, both public and				
53	private, to competitively procure those identified services, programs, or projects and shall				
54	identify total costs for such activities. The department shall adhere to provisions of paragraphs				

ITEM 457.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	B.2. and B.3. of Item 462.05 of Chapter 781, 2009 Acts of Assembly.				
2	F.1. Any action to modernize and integrate the automated systems of the Department of				
3	Transportation shall be based on a plan that includes developing the integrated system in				
4	phases, or modules. When such plan is approved and to minimize the financial impact, the				
5	Department may incrementally budget for the modernization.				
6	2. The Department of General Services, the Department of the Treasury, the Department of				
7	Human Resource Management, the Department of Planning and Budget, and the Department of				
8	Accounts shall support the system modernization effort of the Department of Transportation				
9	through the adoption of statewide data standards. These data standards shall include, but not be				
10	limited to, vendor tables, agency identification information, state employee identification				
11	information, charts of accounts, receiving information, invoice information, purchase				
12	information including commodity codes, and any other essential data standards necessary to				
13	conduct business. The Departments of General Services, Treasury, Human Resource				
14	Management, Planning and Budget, and Accounts shall provide the Chief Information Officer				
15	(CIO) of the Virginia Information Technologies Agency and the Department of Transportation				
16	with such data standards by July 1, 2010, and the CIO shall utilize these data standards to				
17	develop the Commonwealth's data standards. Within 60 days following completion of data				
18	standards development, the CIO shall present such data standards to the Secretary of				
19	Technology for approval as provided in § 2.2-225, Code of Virginia. Upon approval by the				
20	Secretary of Technology, the Commonwealth shall use such data standards for all new				
21	Commonwealth information systems implementation projects including, but not limited to,				
22	Commonwealth enterprise application initiatives.				
23	G. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be				
24	exempt from recovering statewide and agency indirect costs from the Federal Highway				
25	Administration until an indirect cost plan can be evaluated and developed by the agency and				
26	approved by the Federal Highway Administration.				
27	H. The Director, Department of Planning and Budget, is authorized to adjust appropriations and				
28	allotments for the Virginia Department of Transportation to reflect changes in the official				
29	revenue estimates for commonwealth transportation funds.				
30	I. Out of the amounts for General Management and Direction, allocations shall be provided to				
31	support the capital lease agreement with Fairfax County for the Northern Virginia District				
32	building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year				
33	shall be provided from Commonwealth Transportation Funds.				
34	J. Notwithstanding any other provisions of law, the Commonwealth Transportation				
35	Commissioner may enter into a contract with homeowner associations for grounds-keeping,				
36	mowing, and litter removal services.				
37	K.1. The Secretary of Transportation, the Secretary of Administration, the Commissioner,				
38	Virginia Department of Transportation, and Director, Department of General Services, shall				
39	conduct an assessment of properties owned by the Virginia Department of Transportation that				
40	are not in active use by the Department to identify facilities that could be returned to private				
41	use. Such report shall include an estimate of the revenues that would be generated by the sale				
42	of unused properties that are proposed to be sold and/or leased as well as recommendations of				
43	facilities to sell or lease. The findings of this examination shall be reported to the Chairmen of				
44	the House Appropriations and Senate Finance Committees no later than October 1, 2010.				
45	2. The Virginia Department of Transportation is directed to proceed with the sale of the closed				
46	Culpeper Residency Office in Culpeper, Virginia. If no contract has been entered into for such				
47	sale by December 1, 2010, the Commissioner, Virginia Department of Transportation, shall				
48	report to the Chairmen of the House Appropriations and Senate Finance Committees on the				
49	status of the property, the assumed sale price and what actions he is taking to expedite the sale				
50	of such property.				
51	458. Not set out.				
52	Total for Department of Transportation.....			\$3,366,406,612	\$3,698,593,661
53					\$4,777,552,026

ITEM 458.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Nongeneral Fund Positions.....	7,500.00	7,499.00		
2	Position Level	7,500.00	7,499.00		
3	Fund Sources: General	\$44,700,000	\$68,000,000		
4			\$135,241,000		
5	Commonwealth Transportation	\$2,902,519,673	\$3,239,014,327		
6			\$3,227,288,553		
7	Trust and Agency	\$409,880,120	\$373,438,940		
8			\$1,406,742,385		
9	Debt Service.....	\$9,306,819	\$9,860,336		
10			\$0		
11	Federal Trust.....	\$0	\$8,280,088		
12	459. Not set out.				
13	460. Not set out.				
14	461. Not set out.				
15	462. Not set out.				
16	463. Not set out.				
17	464. Not set out.				
18	TOTAL FOR OFFICE OF TRANSPORTATION			\$4,123,850,932	\$4,535,069,924
19					\$5,614,028,289
20	Nongeneral Fund Positions.....	9,797.00	9,797.00		
21	Position Level	9,797.00	9,797.00		
22	Fund Sources: General	\$45,680,246	\$68,980,246		
23			\$136,221,246		
24	Special	\$67,572,237	\$116,237,731		
25	Commonwealth Transportation	\$3,514,740,557	\$3,881,601,660		
26			\$3,869,875,886		
27	Trust and Agency	\$453,826,720	\$417,385,510		
28			\$1,450,688,985		
29	Debt Service.....	\$9,306,819	\$9,860,336		
30			\$0		
31	Federal Trust.....	\$32,724,353	\$41,004,441		

ITEM 465.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

1 **CENTRAL APPROPRIATIONS**

2 **§ 1-28. CENTRAL APPROPRIATIONS (995)**

3 465. Not set out.

4 465.10. Not set out.

5 466. Not set out.

6 467. Not set out.

7 468. Not set out.

8 469. Not set out.

9 470. Payments for Special or Unanticipated Expenditures
10 (75800)

\$28,086,976 \$30,403,439
\$55,533,368

11 Miscellaneous Contingency Reserve Account (75801).....

\$1,500,000 ~~\$1,500,000~~
~~\$4,500,000~~

13 Undistributed Support for Designated State Agency
14 Activities (75806).....

\$26,586,976 ~~\$28,903,439~~
~~\$51,033,368~~

17 Fund Sources: General

\$28,086,976 ~~\$30,403,439~~
~~\$55,533,368~~

19 Authority: Discretionary Inclusion.

20 A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to
21 an amount not to exceed \$2,000,000 from the unappropriated balance derived by subtracting
22 the general fund appropriations from the projected general fund revenues in this act, to provide
23 for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made
24 only when (1) sufficient funds are not available within the agency's appropriation and (2)
25 additional funds must be provided prior to the end of the next General Assembly Session.

26 B.1. The Governor is authorized to allocate from the unappropriated general fund balance in
27 this act such amounts as are necessary to provide for unbudgeted cost increases to state
28 agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to
29 provide for costs associated with the payment of a salary supplement for state classified
30 employees ordered to active duty as part of a reserve component of the Armed Forces of the
31 United States or the Virginia National Guard. Any salary supplement provided to state
32 classified employees ordered to active duty, shall apply only to employees who would
33 otherwise earn less in salary and other cash allowances while on active duty as compared to
34 their base salary as a state classified employee. Guidelines for such payments shall be
35 developed by the Department of Human Resource Management in conjunction with the
36 Departments of Accounts and Planning and Budget.

37 2. The Governor shall submit a report within thirty days to the Chairmen of House
38 Appropriations and Senate Finance Committees which itemizes any disbursements made from
39 this Item for such costs.

40 3. The governing authority of the agencies listed in this subparagraph may, at its discretion and
41 from existing appropriations, provide such payments to their employees ordered to active duty
42 as part of a reserve component of the Armed Forces of the United States or the Virginia
43 National Guard, as are necessary to provide comparable pay supplements to its employees.

44 a. Agencies in the Legislative and Judicial Departments;

45 b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the
46 Virginia Retirement System, the State Lottery Department, Virginia College Savings Plan, and
47 the Virginia Office for Protection and Advocacy;

ITEM 470.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	c. The Office of the Attorney General and the Department of Law; and				
2	d. State-supported institutions of higher education.				
3	C. The Governor is authorized to expend from the unappropriated general fund balance in this				
4	act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to				
5	growers, producers, and owners for losses sustained as a result of an infectious disease				
6	outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These				
7	indemnity payments will compensate growers, producers, and owners for a portion of the				
8	difference between the appraised value of each animal destroyed or slaughtered or animal				
9	product destroyed in order to control or eradicate an animal disease outbreak and the total of				
10	any salvage value plus any compensation paid by the federal government.				
11	D. Out of the appropriation for this Item is included \$1,200,000 the first year and \$1,200,000				
12	the second year from the general fund to be used by the Governor as he may determine to be				
13	needed for the following purposes:				
14	1. To address the six conditions listed in § 4-1.03 c 5 of this act.				
15	2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential				
16	commodities and services which cannot be absorbed within agency appropriations to include				
17	unbudgeted benefits associated with Workforce Transition Act requirements.				
18	3. To secure federal funds in the event that additional matching funds are needed for Virginia				
19	to participate in the federal Superfund program.				
20	4. The Department of Planning and Budget shall submit a quarterly report of any disbursements				
21	made from, commitments made against, and requests made for such sums authorized for				
22	allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate				
23	Finance Committees. This report shall identify each of the conditions specified in this				
24	paragraph for which the transfer is made.				
25	5. In addition, if the amounts appropriated in this Item are insufficient to meet the				
26	unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and				
27	\$1,000,000 the second year from the general fund amounts appropriated for the Governor's				
28	Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph				
29	D.4. of this item.				
30	6. To make additional payments to public institutions of higher education pursuant to Item 467				
31	of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that				
32	purpose are insufficient.				
33	7. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the				
34	continued operation of the National Purple Heart Hall of Honor, provided that at least half of				
35	other states have made similar grants.				
36	E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from				
37	the general fund to pay for private legal services and the general fund share of unbudgeted				
38	costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private				
39	legal services shall be made by the Director, Department of Planning and Budget upon prior				
40	written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of				
41	Virginia or Item 58, Paragraph D of this act. Transfers for enforcement of the Master				
42	Settlement Agreement shall be made by the Director, Department of Planning and Budget at				
43	the request of the Attorney General, pursuant to Item 58, Paragraph B of this act.				
44	G. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality				
45	which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or				
46	portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be				
47	entitled to all sales tax revenues generated by transactions taking place in such public facility.				
48	H.1 Out of the appropriation for this Item, up to \$26,586,166 the first year and				
49	\$28,658,439 \$20,322,132 the second year from the general fund is provided to state agencies for				
50	costs incurred as the result of changes to service rates for information technology services				
51	charged by the Virginia Information Technologies Agency. The Director, Department of				

ITEM 470.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Planning and Budget, is authorized to transfer these funds to the impacted state agencies based				
2	upon information provided by the Virginia Information Technologies Agency. Also, the				
3	Director, Department of Planning and Budget, is authorized to transfer funds between Executive				
4	Branch agencies based on these service rates approved by the Joint Legislative Audit and				
5	Review Commission. Transfers may be made if current funding exceeds actual charges.				
6	2.a. Should the provision of the general fund support for addressing the costs incurred from				
7	changes in service rates for information technology services provided by the Virginia				
8	Information Technologies Agency be insufficient to address all of the anticipated needs of				
9	impacted state agencies, no changes shall be made to the allocation of any amounts provided				
10	for state agencies receiving less than \$1,000,000 in additional funding to address the impact of				
11	such service rate changes.				
12	b. Unless an agency can demonstrate greater need, in accordance with the following provisions				
13	describing information technology needs assessments, no more than 97 percent of each agency's				
14	share of its identified impact amount in the second year, as determined by the Department of				
15	Planning and Budget, shall be transferred.				
16	c. This savings incentive program is established to control information technology services				
17	costs and to minimize or obviate the associated general fund transfers. To promote information				
18	technology cost control, state agencies shall perform a Comprehensive Information Technology				
19	Assessment. The assessments shall include, but are not limited to, consideration of the				
20	following actions: (1) Implement a print/paper output reduction program; This program should				
21	focus on reducing the overall volume of print output, reducing the number of dedicated desktop				
22	printers and increased utilization of multi-function output devices; (2) Limit purchase of laptop				
23	computers to mobile workers; (3) Perform cost/benefit analyses of purchasing "standard";				
24	versus "premium"; equipment, with justification for selecting "premium"; (4) Implement best				
25	practices for wireless device usage, including conversion of all wireless devices to new,				
26	state-wide contracts; (5) Implement best practices for data storage; (6) Convert long-term				
27	(greater than one year), critical-need information technology contractor positions to classified				
28	employee positions; (7) Consolidate stand-alone data centers to the Commonwealth Enterprise				
29	Solutions Center and where possible utilize increased use of virtualized servers; and (8) Deploy				
30	technologies that reduce an agency's total expenses, improve citizen interactions, and improve				
31	employee productivity and job satisfaction. Such technologies include but are not limited to				
32	increased use of electronic forms, electronic signatures and automated workflows.				
33	d. The Comprehensive Information Technology Assessment and implementation plan shall be				
34	completed by the agency head or governing body, and submitted to the Chief Information				
35	Officer by September 1, 2011.				
36	e. The Virginia Information Technologies Agency shall make available on its website, upon				
37	enactment of this act, documentation on information technology best practices as well as				
38	provide programmatic guidance to state agencies in the preparation of the Comprehensive				
39	Information Technology Assessment and in the execution of the assessment's				
40	recommendations.				
41	I. Out of the appropriation for this Item, up to \$245,000 \$711,236 the second year from the				
42	general fund is provided to state agencies for costs incurred as the result of an internal service				
43	fund established within the Department of Accounts to cover ongoing operational and				
44	maintenance costs of the Performance Budgeting System, an enterprise application of the				
45	Commonwealth. The Director, Department of Planning and Budget, is authorized to transfer				
46	these funds to the impacted state agencies based upon user licensing information for the system.				
47	<i>J. Out of the appropriation for this Item, the Director, Department of Planning and Budget,</i>				
48	<i>may transfer to the State Board of Elections up to \$3,000,000 the second year from the general</i>				
49	<i>fund to cover the costs associated with the 2012 presidential primary. Out of this amount, up</i>				
50	<i>to \$2,730,000 may be used by the State Board of Elections to reimburse localities for their</i>				
51	<i>presidential primary expenditures and up to \$270,000 may be used to cover costs incurred</i>				
52	<i>directly by the State Board of Elections.</i>				
53	<i>K. Out of the appropriation for the Item, \$30,000,000 the second year from the general fund</i>				
54	<i>is provided to capitalize a Federal Action Contingency Trust (FACT) Fund to help prepare the</i>				

ITEM 470.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	<i>Commonwealth for future federal spending reductions.</i>				
2	471. Not set out.				
3	472. Not set out.				
4	473. Miscellaneous Reversion Clearing Account (22600)			(\$1,005,788)	(\$1,030,600)
5					(\$1,151,992)
6	Designated Reversions From Agency Appropriations				
7	(22601)	(\$1,005,788)	(\$1,030,600)		
8			(\$1,151,992)		
9	Fund Sources: General	(\$1,005,788)	(\$1,030,600)		
10			(\$1,151,992)		
11	Authority: Discretionary Inclusion.				
12	A. The Director, Department of Planning and Budget shall withhold and transfer to this Item,				
13	amounts estimated at \$80,632 the first year and \$80,632 the second year, from the general fund				
14	appropriations of state agencies and institutions of higher education, representing savings				
15	resulting from reductions in rates charged to agencies serviced under the Master Lease plan				
16	administered by the Division of Real Estate Services of the Department of General Services.				
17	B.1. The Director, Department of Planning and Budget shall withhold and transfer to this Item,				
18	amounts estimated at \$186,355 the first year and \$186,355 the second year, from the general				
19	fund appropriations of state agencies and institutions of higher education, representing savings				
20	resulting from a reduction in the rate charged to agencies for purchases made under the				
21	statewide purchase and supply system administered by the Department of General Services.				
22	2. Pursuant to § 3-1.01 of this act, amounts estimated at \$164,885 the first year and \$164,885				
23	the second year shall be transferred from eligible nongeneral fund accounts to the general fund,				
24	representing nongeneral fund savings associated with the reduction in the rate charged to				
25	agencies for purchases made under the statewide purchase and supply system administered by				
26	the Department of General Services.				
27	C. The Director, Department of Planning and Budget shall withhold and transfer to this Item				
28	amounts estimated at \$187,500 the first year and \$187,500 the second year from the general				
29	fund appropriations of state agencies and institutions of higher education, representing savings				
30	resulting from reductions in printing costs.				
31	D.1. The Director, Department of Planning and Budget shall transfer to this Item, amounts				
32	estimated at \$551,301 the first year and \$218,223 the second year, from the general fund				
33	appropriations of state agencies, representing savings resulting from a reduction in the rate				
34	charged to agencies by Virginia Dominion Power.				
35	2. Pursuant to § 3-1.01 of this act, amounts estimated at \$523,843 the first year and \$207,355				
36	the second year shall be transferred from eligible nongeneral fund accounts to the general fund,				
37	representing nongeneral fund savings associated with the reduction in the rate charged to state				
38	agencies by Virginia Dominion Power. Of this amount, \$149,982 the first year and \$59,368				
39	the second year is reserved for federal reversion upon request, to be transferred by the State				
40	Comptroller.				
41	E. The Director, Department of Planning and Budget shall withhold and transfer to this Item,				
42	amounts estimated at \$357,890 the second year from the general fund appropriations of state				
43	agencies and institutions of higher education, representing savings realized through the				
44	elimination of organizational memberships held by state agencies and institutions of higher				
45	education or the negotiated reduction in annual membership dues.				
46	F. The Director, Department of Planning and Budget shall withhold and transfer to this Item,				
47	amounts estimated at \$121,392 the second year from the general fund appropriations of state				
48	agencies, representing savings realized through Northrop Grumman credits associated with the				
49	information technology outage in August of 2010.				
50	473.10. Not set out.				

ITEM 473.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	473.20. Higher Education Reversion Clearing Account (11700)...			\$0	(\$10,000,000)
2	Fund Sources: General	\$0	(\$10,000,000)		
3	Total for Central Appropriations			\$61,647,846	\$115,965,586
4					\$150,974,123
5	Fund Sources: General	(\$28,685,743)	\$26,708,386		
6			\$61,716,923		
7	Higher Education Operating.....	\$2,118,543	\$898,000		
8	Trust and Agency	\$88,215,046	\$88,359,200		
9	TOTAL FOR CENTRAL APPROPRIATIONS			\$61,647,846	\$115,965,586
10					\$150,974,123
11	Fund Sources: General	(\$28,685,743)	\$26,708,386		
12			\$61,716,923		
13	Higher Education Operating.....	\$2,118,543	\$898,000		
14	Trust and Agency	\$88,215,046	\$88,359,200		
15	TOTAL FOR EXECUTIVE DEPARTMENT			\$37,958,071,011	\$38,526,035,134
16					\$39,307,637,135
17	General Fund Positions.....	49,563.28	49,491.37		
18			49,492.37		
19	Nongeneral Fund Positions.....	59,025.92	59,540.53		
20			59,541.53		
21	Position Level	108,589.20	109,031.90		
22			109,033.90		
23	Fund Sources: General	\$14,982,112,142	\$16,072,599,833		
24			\$15,913,024,997		
25	Special.....	\$1,650,757,761	\$1,700,394,045		
26	Higher Education Operating.....	\$6,658,440,351	\$6,671,470,189		
27	Commonwealth Transportation	\$3,528,498,887	\$3,895,243,002		
28			\$3,883,517,228		
29	Enterprise	\$819,304,403	\$824,504,403		
30	Internal Service.....	\$0	\$290,000		
31	Trust and Agency	\$2,259,671,261	\$2,004,073,935		
32			\$3,055,902,410		
33	Debt Service.....	\$255,741,255	\$259,588,301		
34			\$249,727,965		
35	Dedicated Special Revenue	\$753,654,566	\$765,482,452		
36			\$749,469,329		
37	Federal Trust.....	\$7,049,890,385	\$6,332,388,974		
38			\$6,259,336,569		

ITEM 474.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	INDEPENDENT AGENCIES				
2	474.	Not set out.			
3	475.	Not set out.			
4	476.	Not set out.			
5	477.	Not set out.			
6	478.	Not set out.			
7	479.	Not set out.			
8	480.	Not set out.			
9	481.	Not set out.			
10	482.	Not set out.			
11	483.	Not set out.			
12	484.	Not set out.			
13	485.	Not set out.			
14	486.	Not set out.			
15	487.	Not set out.			
16	488.	Not set out.			
17	489.	Not set out.			
18	490.	Not set out.			
19	TOTAL FOR INDEPENDENT AGENCIES.....			\$513,153,440	\$529,429,266
20	Nongeneral Fund Positions.....		1,636.12	1,635.12	
21	Position Level		1,636.12	1,635.12	
22	Fund Sources: Special.....		\$79,174,663	\$79,174,663	
23	Enterprise		\$326,821,000	\$349,144,651	
24	Trust and Agency		\$66,800,563	\$60,702,738	
25	Dedicated Special Revenue.....		\$35,819,254	\$35,819,254	
26	Federal Trust.....		\$4,537,960	\$4,587,960	

ITEM 491.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	STATE GRANTS TO NONSTATE ENTITIES				
2	491.	Not set out.			
3	TOTAL FOR STATE GRANTS TO NONSTATE				
4	ENTITIES.....				\$0 \$0
5	TOTAL FOR PART 1: OPERATING EXPENSES.....				\$38,982,728,163 \$39,567,009,510
6					\$40,350,336,511
7	General Fund Positions.....	53,330.49	53,258.58		
8			53,259.58		
9	Nongeneral Fund Positions.....	60,794.54	61,308.45		
10			61,309.15		
11	Position Level	114,125.03	114,566.73		
12			114,568.73		
13	Fund Sources: General	\$15,457,461,495	\$16,548,024,211		
14			\$16,390,174,375		
15	Special.....	\$1,742,780,572	\$1,792,383,229		
16	Higher Education Operating.....	\$6,658,440,351	\$6,671,470,189		
17	Commonwealth Transportation	\$3,528,498,887	\$3,895,243,002		
18			\$3,883,517,228		
19	Enterprise	\$1,146,125,403	\$1,173,649,054		
20	Internal Service.....	\$0	\$290,000		
21	Trust and Agency	\$2,326,716,020	\$2,065,020,869		
22			\$3,116,849,344		
23	Debt Service.....	\$255,741,255	\$259,588,301		
24			\$249,727,965		
25	Dedicated Special Revenue	\$810,861,450	\$822,689,336		
26			\$806,676,213		
27	Federal Trust.....	\$7,056,102,730	\$6,338,651,349		
28			\$6,265,598,914		

Item Details(\$)		Appropriations(\$)	
First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$1,000,000 for a single repair or project through the maintenance reserve appropriation without a separate appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold or state agency has identified a potential project that exceeds the threshold prescribed in the rules or regulations, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The General Assembly hereby authorizes the capital projects listed in §§ 2-26, ~~and~~ 2-27, ~~and~~ 2-28 for the indicated agencies and institutions of higher education and hereby appropriates and reappropriates therefore sums from the sources and in the amount indicated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-26, ~~and~~

		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2011	FY2012	FY2011	FY2012
1	2-27, and 2-28 is hereby authorized.				
2	2. The issuance of bonds for any project listed in § 2-267 is to be separately authorized				
3	pursuant to Article X, Section 9 (c), Constitution of Virginia.				
4	3. The issuance of bonds for any project listed in Item C-88 or C-89 shall be authorized				
5	pursuant to § 23-19, Code of Virginia.				
6	4. In the event that the cost of any capital project listed in §§ 2-26, and 2-27, and 2-28 shall				
7	exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is				
8	hereby authorized, upon request of the affected institution, to approve an increase in				
9	appropriation authority of not more than ten percent of the amount designated in §§ 2-26, and				
10	2-27, and 2-28 for such project, from any available nongeneral fund revenues, provided that				
11	such increase shall not constitute an increase in debt issuance authorization for such capital				
12	project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to				
13	approve the expenditure of all interest earnings derived from the investment of bond proceeds				
14	in addition to the amount designated in §§ 2-26, and 2-27, and 2-28 for such capital project.				
15	5. The interest on bonds to be issued for these projects may be subject to inclusion in gross				
16	income for federal income tax purposes.				
17	6. Inclusion of a project in this act does not imply a commitment of state funds for temporary				
18	construction financing. In the absence of such commitment, the institution may be responsible				
19	for securing short-term financing and covering the costs from other sources of funds.				
20	7. In the event that the Treasury Board determines not to finance all or any portion of any				
21	project listed in Item C-88 of § 2-267 of this act with the issuance of bonds pursuant to Article				
22	X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the				
23	contrary, this act shall constitute the approval of the General Assembly to finance all or such				
24	portion of any such project listed in Item C-89 under the authorization of § 2-278 of this act.				
25	8. The General Assembly further declares and directs that, notwithstanding any other provision				
26	of law to the contrary, 50 percent of the proceeds from the sale of surplus real property				
27	pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which				
28	were under the control of an institution of higher education prior to the sale, shall be deposited				
29	in a special fund set up on the books of the Comptroller, which shall be known as the Higher				
30	Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon				
31	appropriation, to pay debt service on bonds for the 21st Century College Program as authorized				
32	in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.				
33	G. Upon certification by the Director, Department of Planning and Budget, there is hereby				
34	reappropriated the appropriations unexpended at the close of the previous biennium for all				
35	authorized capital projects which meet any of the following conditions:				
36	1. Construction is in progress.				
37	2. Equipment purchases have been authorized by the Governor but not received.				
38	3. Plans and specifications have been authorized by the Governor but not completed.				
39	4. Obligations were outstanding at the end of the previous biennium.				
40	H. The Department of Planning and Budget is hereby authorized to administratively appropriate				
41	any nongeneral fund component of any capital project authorized in Chapters 859/827 (2002),				
42	Chapters 884/854 (2002), or Chapters 887/855 (2002).				
43	I. Alternative Financing				
44	1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or				
45	exchange a capital asset by means of an alternative financing mechanism, such as the Public				
46	Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the				
47	Governor and the Chairmen of the Senate Finance and House Appropriations Committees no				
48	less than 30 days prior to entering into such alternative financing agreement. This report shall				
49	provide:				

Item Details(\$)		Appropriations(\$)	
First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

- 1 a. a description of the purpose to be achieved by the proposal;
- 2 b. a description of the financing options available, including the alternative financing, which
- 3 will delineate the revenue streams or client populations pledged or encumbered by the
- 4 alternative financing;
- 5 c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each
- 6 for the Commonwealth;
- 7 d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each
- 8 for the clients of the agency or institution; and
- 9 e. a recommendation and planned course of action based on this analysis.
- 10 J. Conditions Applicable to Alternative Financing
- 11 1. The following individuals, and members of their immediate family, may not engage in an
- 12 alternative financing arrangement with any agency or institution of the Commonwealth, where
- 13 the potential for financial gain, or other factors may cause a conflict of interest:
- 14 a. A member of the agency or institution's governing body;
- 15 b. Any elected or appointed official of the Commonwealth or its agencies and institutions who
- 16 has, or reasonably can be assumed to have, a direct influence on the approval of the alternative
- 17 financing arrangement; or
- 18 c. Any elected or appointed official of a participating political subdivision, or authority who
- 19 has, or reasonably can be assumed to have, a direct influence on the approval of the alternative
- 20 financing arrangement.
- 21 K. The budget bill submitted by the Governor shall include a synopsis of previous
- 22 appropriations for capital projects from the General Assembly and authorizations by the
- 23 Governor for such projects.
- 24 L. Appropriations contained in this act for capital project planning shall be used as specified
- 25 for each capital project and construction funding for the project shall be considered by the
- 26 General Assembly after determining that (1) project cost is reasonable; (2) the project remains a
- 27 highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from
- 28 a space and programmatic perspective.
- 29 M. Any capital project that has received a supplemental appropriation due to cost overruns
- 30 must be completed within the revised budget provided. If a project requires an additional
- 31 supplement, the Governor should also consider reduction in project scope or cancelling the
- 32 project before requesting additional appropriations. Agencies and institutions with nongeneral
- 33 funds may bear the costs of additional overruns from nongeneral funds.
- 34 N. The Governor shall consider the project life cycle cost that provides the best long-term
- 35 benefit to the Commonwealth when conducting capital project reviews, design and construction
- 36 decisions, and project scope changes.
- 37 O. The Governor shall provide the Chairmen of the Senate Finance and House Appropriations
- 38 Committees an opportunity to review the six year capital improvement plan prior to the
- 39 beginning of each new biennial budget cycle.
- 40 P. No structure, improvement or renovation shall occur on the state property located at the
- 41 Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.
- 42 Q. On or before June 30, 2012, the State Comptroller shall revert the following amounts from
- 43 the agency, fund code, and project code listed.

Agency Name/Project Title	Fund	Project Code	Amount
Central Capital (949)	0965	17777	\$4,599,500
Central Capital (949)	0100	16170	\$234,456
Department of General Services	0100	14008	\$134

ITEM C-1.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Longwood University (214)	0817	17317	\$4,295,000	
2	Virginia State University	0100	16799	\$3,350	
3	Department of Blind and Vision Impaired	0100	13942	\$20,394	
4				\$20,934	
5	Department of Forensic Science	0100	16320	\$50,000	
6	Department of Juvenile Justice	0100	15081	\$37,493	
7	Marine Resources Commission	0100	16498	\$5,779	
8	Radford University	0100	12731	\$37,725	
9	Science Museum of Virginia	0100	13634	\$231	
10	Science Museum of Virginia	0100	16783	\$6,005	
11	Department of State Police	0100	10886	\$2,258	
12	Department of Veterans Services	0100	17073	\$85,402	
13	R. From the amounts reverted from the Longwood University capital project 17317, Construct				
14	Addition and Renovate Bedford Hall, \$3,000,000 is reauthorized to James Madison University				
15	capital project 17672, Boiler Replacement and Infrastructure, Phase 1, to cover project cost				
16	overruns.				
17	S. All Agencies of the Commonwealth and Institutions of Higher Education shall provide				
18	information and/or use systems and processes in the method and format as directed by the				
19	Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan				
20	Advisory Committee, to provide necessary information for state-wide reporting. This				
21	requirement shall apply to all projects, including those funded from general and nongeneral				
22	fund sources.				
23	T. The Director, Department of General Services, and the Director, Department of Planning and				
24	Budget shall report to the Chairmen of the House Appropriations and Senate Finance				
25	Committees by March 1, 2012, on the impact of increasing capital outlay project thresholds				
26	from \$1,000,000 to \$2,000,000 and energy-efficiency projects thresholds from \$3,000,000 to				
27	\$7,000,000 as provided in Item 4-4.01 of this act.				
28	U. The authorization provided under Chapter 1, 2008 Acts of Assembly, Special Session 1, for				
29	bond funding from the Virginia Public Building Authority for the Woodrow Wilson				
30	Rehabilitation Center capital project 16969, Renovate Harold E. Watson Kitchen and Dining				
31	Hall, is rescinded.				
32	OFFICE OF ADMINISTRATION				
33	C-1.	Not set out.			
34	C-1.10.	Not set out.			
35	TOTAL FOR OFFICE OF ADMINISTRATION			\$0	\$7,300,000
36	Fund Sources: Bond Proceeds		\$0	\$7,300,000	
37	OFFICE OF AGRICULTURE AND FORESTRY				
38	§ 2-28.1. DEPARTMENT OF FORESTRY (411)				
39	C-1.50.	New Construction: Construct Matthews State Forest			
40		Education and Conference Center (17932)			
				\$0	\$2,000,000
41	Fund Sources: Trust and Agency		\$0	\$2,000,000	
42	Total for Department of Forestry			\$0	\$2,000,000
43	Fund Sources: Trust and Agency		\$0	\$2,000,000	
44	TOTAL FOR OFFICE OF AGRICULTURE AND				
45	FORESTRY			\$0	\$2,000,000
46	Fund Sources: Trust and Agency		\$0	\$2,000,000	

ITEM C-2.	Item Details(\$)		Appropriations(\$)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	OFFICE OF COMMERCE AND TRADE			
2 C-2.	Not set out.			
3	TOTAL FOR OFFICE OF COMMERCE AND			
4	TRADE.....		\$240,000	\$0
5	Fund Sources: Special.....	\$240,000	\$0	
6	OFFICE OF EDUCATION			
7 C-3.	Not set out.			
8 C-4.	Not set out.			
9 C-5.	Not set out.			
10 C-5.10.	Not set out.			
11 C-5.20.	Not set out.			
12 C-5.30.	Not set out.			
13 C-5.40.	Not set out.			
14 C-5.50.	Not set out.			
15 C-5.60.	Not set out.			
16 C-6.	Not set out.			
17 C-7.	Not set out.			
18 C-8.	Not set out.			
19 C-9.	Not set out.			
20 C-10.	Not set out.			
21 C-10.10.	Not set out.			
22 C-10.40.	Not set out.			
23	§ 2-1. GEORGE MASON UNIVERSITY (247)			
24 C-11.	Not set out.			
25 C-12.	Not set out.			
26 C-13.	Not set out.			
27 C-14.	Not set out.			
28 C-15.	Not set out.			
29 C-16.	Not set out.			
30 C-17.	Not set out.			
31 C-18.	Not set out.			
32 C-19.	Not set out.			

ITEM C-19.			Item Details(\$)		Appropriations(\$)	
			First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	C-20.	Improvements: Renovate Student Apartments (17844).....			\$0	\$3,098,000
2		Fund Sources: Bond Proceeds	\$0	\$3,098,000		
3	C-21.	Not set out.				
4	C-22.	Not set out.				
5	C-23.	Not set out.				
6	C-24.	Not set out.				
7	C-24.10.	Not set out.				
8	C-24.20.	Not set out.				
9	C-24.30.	Not set out.				
10	C-24.40.	Not set out.				
11	C-24.50.	Not set out.				
12		Total for George Mason University			\$76,858,293	\$44,162,000
13		Fund Sources: Federal Trust.....	\$10,000,000	\$0		
14		Bond Proceeds	\$66,858,293	\$44,162,000		
15	C-25.	Not set out.				
16	C-26.	Not set out.				
17	C-27.	Not set out.				
18	C-28.	Not set out.				
19	C-29.	Not set out.				
20	C-30.	Not set out.				
21	C-31.	Not set out.				
22	C-31.10.	Not set out.				
23	C-32.	Not set out.				
24	C-33.	Not set out.				
25	C-33.10.	Not set out.				
26	C-34.	Not set out.				
27	C-35.	Not set out.				
28	C-36.	Not set out.				
29	C-37.	Not set out.				
30	C-37.10.	Not set out.				
31	C-37.20.	Not set out.				
32	C-38.	Not set out.				
33	C-39.	Not set out.				

ITEM C-39.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	C-39.10. Not set out.				
2	C-40. Not set out.				
3	C-40.10. Not set out.				
4	§ 2-2. RADFORD UNIVERSITY (217)				
5	C-41. Not set out.				
6	C-42. Not set out.				
7	C-42.10. Not set out.				
8	C-42.20. <i>Improvements: Renovate Washington Hall (17948).....</i>			\$0	\$10,819,800
9	<i>Fund Sources: Higher Education Operating.....</i>	\$0	\$10,819,800		
10	Total for Radford University.....			\$58,900,000	\$0
11					\$10,819,800
12	Fund Sources: Higher Education Operating.....	\$58,900,000	\$0		
13			\$10,819,800		
14	C-43. Not set out.				
15	C-44. Not set out.				
16	C-45. Not set out.				
17	C-46. Not set out.				
18	C-47. Not set out.				
19	C-48. Not set out.				
20	C-49. Not set out.				
21	C-50. Not set out.				
22	C-50.05. Not set out.				
23	C-51. Not set out.				
24	C-52. Not set out.				
25	C-53. Not set out.				
26	C-54. Not set out.				
27	C-55. Not set out.				
28	C-55.05. Not set out.				
29	C-55.10. Not set out.				
30	C-55.20. Not set out.				
31	C-56. Not set out.				
32	C-57. Not set out.				
33	C-58. Not set out.				

ITEM C-59.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	C-59.	Not set out.			
2	C-60.	Not set out.			
3	C-61.	Not set out.			
4	C-62.	Not set out.			
5	C-63.	Not set out.			
6	C-64.	Not set out.			
7	C-65.	Not set out.			
8	C-66.	Not set out.			
9	C-67.	Not set out.			
10	C-68.	Not set out.			
11	C-68.10.	Not set out.			
12	C-68.20.	Not set out.			
13	C-68.25.	Not set out.			
14	C-68.50.	Not set out.			
15	C-69.	Not set out.			
16	C-70.	Not set out.			
17	C-70.10.	Not set out.			
18	C-71.	Not set out.			
19	C-72.	Not set out.			
20	C-73.	Not set out.			
21	C-73.10.	Not set out.			
22	C-73.20.	Not set out.			
23	C-74.	Not set out.			
24	C-75.	Not set out.			
25	C-76.	Not set out.			
26	TOTAL FOR OFFICE OF EDUCATION.....			\$702,862,293	\$154,014,000
27					\$164,833,800
28	Fund Sources: General				
29	Special.....			\$0	\$3,300,000
30	Higher Education Operating.....			\$174,000	\$2,500,000
31				\$239,557,000	\$11,700,000
32	Trust and Agency				\$22,519,800
33	Federal Trust.....			\$23,205,000	\$787,000
34	Bond Proceeds			\$10,000,000	\$0
				\$429,926,293	\$135,727,000
35	OFFICE OF HEALTH AND HUMAN RESOURCES				

ITEM C-76.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	§ 2-3. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)				
2	C-76.10. Not set out.				
3	C-76.15. Not set out.				
4	C-76.20. <i>Notwithstanding any other provision of law, after the after the requirements of A.1. of Item</i>				
5	<i>C-103.05, Chapter 781, 2009 Acts of Assembly, have been met, surplus funds from project</i>				
6	<i>17458 (Repair/Replace Southeastern Virginia Training Center) shall be made available for the</i>				
7	<i>purposes stated in A.3. of Item C-103.05, Chapter 781, 2009 Acts of Assembly.</i>				
8	Total for Department of Behavioral Health and				
9	Developmental Services.....			\$0	\$0
10	TOTAL FOR OFFICE OF HEALTH AND HUMAN				
11	RESOURCES			\$0	\$0
12	OFFICE OF NATURAL RESOURCES				
13	C-76.80. Not set out.				
14	C-76.82. Not set out.				
15	C-76.85. Not set out.				
16	C-76.86. Not set out.				
17	TOTAL FOR OFFICE OF NATURAL RESOURCES			\$0	\$3,000,000
18	Fund Sources: Dedicated Special Revenue	\$0	\$2,250,000		
19	Federal Trust.....	\$0	\$750,000		
20	OFFICE OF PUBLIC SAFETY				
21	C-77. Not set out.				
22	C-78. Not set out.				
23	C-78.05. Not set out.				
24	C-78.10. Not set out.				
25	C-78.20. Not set out.				
26	C-78.30. Not set out.				
27	C-78.40. Not set out.				
28	C-79. Not set out.				
29	C-80. Not set out.				
30	C-80.10. Not set out.				
31	C-80.15. Not set out.				
32	C-80.20. Not set out.				
33	C-80.30. Not set out.				
34	TOTAL FOR OFFICE OF PUBLIC SAFETY			\$200,000	\$17,467,000

ITEM C-80.30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
1	Fund Sources: General	\$0	\$5,577,000		
2	Special.....	\$50,000	\$2,624,191		
3	Trust and Agency	\$0	\$3,301,400		
4	Dedicated Special Revenue	\$0	\$3,474,852		
5	Federal Trust	\$150,000	\$150,000		
6	Bond Proceeds	\$0	\$2,339,557		
7	OFFICE OF TRANSPORTATION				
8	C-81. Not set out.				
9	C-82. Not set out.				
10	C-82.10. Not set out.				
11	C-83. Not set out.				
12	TOTAL FOR OFFICE OF TRANSPORTATION			\$4,430,000	\$19,435,000
13	Fund Sources: Commonwealth Transportation	\$4,430,000	\$19,435,000		
14	CENTRAL APPROPRIATIONS				
15	C-84. Not set out.				
16	C-85. Not set out.				
17	C-85.10. Not set out.				
18	C-86. Not set out.				
19	C-87. Not set out.				
20	C-88. Not set out.				
21	C-89. Not set out.				
22	C-89.10. Not set out.				
23	TOTAL FOR CENTRAL APPROPRIATIONS			\$130,185,718	\$1,194,040,207
24	Fund Sources: Bond Proceeds	\$130,185,718	\$1,194,040,207		
25	TOTAL FOR PART 2: CAPITAL PROJECT				
26	EXPENSES			\$837,918,011	\$1,395,256,207
27					\$1,408,076,007
28	Fund Sources: General	\$0	\$8,877,000		
29	Special.....	\$464,000	\$5,124,191		
30	Higher Education Operating.....	\$239,557,000	\$11,700,000		
31			\$22,519,800		
32	Commonwealth Transportation	\$4,430,000	\$19,435,000		
33	Trust and Agency	\$23,205,000	\$4,088,400		
34			\$6,088,400		
35	Dedicated Special Revenue	\$0	\$5,724,852		
36	Federal Trust	\$10,150,000	\$900,000		
37	Bond Proceeds	\$560,112,011	\$1,339,406,764		

Item Details(\$)		Appropriations(\$)	
First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

PART 3: MISCELLANEOUS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2011	FY 2012
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
c) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)		
For collection by Department of Taxation	\$33,878	\$33,878 \$17,308
3. Peanut Fund (§ 3.1-662, Code of Virginia)		
For collection by Department of Taxation:	\$969	\$969 \$954
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$53,108	\$53,108 \$60,364
b) Soft Drink Excise Tax (§ 58.1-1705, Code of Virginia)	\$3,365	\$3,365 \$1,631
c) Virginia Litter Tax (§ 58.1-1710, Code of Virginia)	\$13,343	\$13,343 \$8,308
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$45,000	\$45,000
7. Department of Alcoholic Beverage Control (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,952,137	\$74,952,137 \$74,936,039

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$46,200,000 the first year and ~~\$47,800,000~~ \$53,300,000 the second year.

b. Pursuant to § 4.1-116 B, Code of Virginia, the Department of Alcoholic Beverage Control shall notify the State Comptroller of the amount to be deducted quarterly from the net profits for transfer to the reserve fund established by the cited section.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$7,416,469	\$7,416,469
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts and retention of local mapping services, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,363,191 the first year and ~~\$6,195,628~~ \$5,860,764 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts by the Department of Taxation estimated at \$3,037,002 the first year and ~~\$2,953,220~~ \$2,787,842 the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer \$4,297,420 the first year and \$4,297,420 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Code	Agency Name	Fund Group	FY 2011	FY 2012
111	Supreme Court of Virginia	0900	\$272,484	\$272,484
233	Board of Bar Examiners	0200	\$4,719	\$4,719
	Virginia Veterans Care Center			
128	Board of Trustees	0200	\$23,139	\$23,139
	Department of Minority Business			
232	Enterprise	0400	\$15,103	\$15,103
411	Department of Forestry	0900	\$4,342	\$4,342
	Department of Housing and			
165	Community Development	0900	\$1,180	\$1,180
	Department of Professional and			
222	Occupational Regulation	0200	\$2,208	\$2,208
226	Board of Accountancy	0900	\$16,104	\$16,104
	Virginia Tobacco			
	Indemnification and Community			
851	Revitalization Commission	0900	\$88,077	\$88,077
238	Virginia Museum of Fine Arts	0200	\$3,195	\$3,195
	Southern Virginia Higher			
937	Education Center	0200	\$1,359	\$1,359
	Southwest Virginia Higher			
948	Education Center	0200	\$25,522	\$25,522
601	Department of Health	0900	\$206,305	\$206,305
	Virginia Tobacco Settlement			
852	Foundation	0900	\$22,912	\$22,912
	Department of Conservation and			
199	Recreation	0200	\$5,438	\$5,438
	Department of Conservation and			
199	Recreation	0900	\$307,326	\$307,326
402	Marine Resources Commission	0200	\$36,097	\$36,097
402	Marine Resources Commission	0900	\$7,803	\$7,803
	Department of Game and Inland			
403	Fisheries	0900	\$549,444	\$549,444
	Department of Historic			
423	Resources	0900	\$1,185	\$1,185
123	Department of Military Affairs	0900	\$1,184	\$1,184
	Department of Criminal Justice			
140	Services	0200	\$14,688	\$14,688
	Department of Criminal Justice			
140	Services	0900	\$71,968	\$71,968
960	Department of Fire Programs	0200	\$90,443	\$90,443
154	Department of Motor Vehicles	0400	\$1,034,919	\$1,034,919
407	Virginia Port Authority	0200	\$108,339	\$108,339

1	407	Virginia Port Authority	0400	\$126,103	\$126,103
2	501	Department of Transportation	0400	\$522,462	\$522,462
		Department of Rail and Public			
3	505	Transportation	0400	\$306,866	\$306,866
4	506	Motor Vehicle Dealer Board	0200	\$14,676	\$14,676
5	841	Department of Aviation	0400	\$97,583	\$97,583
6	171	State Corporation Commission	0900	\$13,623	\$13,623
7	174	Virginia College Savings Plan	0500	\$300,624	\$300,624
8		TOTALS		\$4,297,420	\$4,297,420

9 G.1. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4002.1, Code of Virginia, an
10 amount estimated at \$435,200,000 the first year and ~~\$435,875,000~~ \$454,400,000 the second year, from the State Lottery Fund.
11 The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the Comptroller shall transfer the
12 balance of the State Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a
13 monthly basis. Prior to June 20 of each year, the State Lottery Director shall estimate the amount of profits in the State
14 Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to
15 the Lottery Proceeds Fund prior to June 22.

16 2. No later than 10 days after receipt of the annual audit report required by § 58.1-4023, Code of Virginia, the Comptroller
17 shall transfer to the Lottery Proceeds Fund the remaining audited balances of the State Lottery Fund for the prior fiscal year. If
18 such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State
19 Comptroller shall adjust the next monthly transfer from the State Lottery Fund to account for the difference between the actual
20 revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to
21 effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing
22 the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in
23 § 58.1-4002.1, Code of Virginia.

24 H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and
25 which receives investment income. The assessed fees, which are estimated to generate \$2,700,000 the first year and \$2,700,000
26 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into
27 the general fund of the state treasury.

28 2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the
29 Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in
30 addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public
31 institutions of higher education, which are estimated to generate \$150,000 the first year and \$150,000 the second year, shall be
32 paid into the general fund of the state treasury.

33 b. The State Comptroller shall transfer to the general fund on June 30, 2011 and on June 30, 2012, respectively, the amount in
34 excess of \$20,000 in the Virginia College Building Authority Private College Financing Program Fees (Fund 0220) at the
35 Department of the Treasury.

36 3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing
37 structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount
38 financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall
39 be paid into the general fund of the state treasury.

40 4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia,
41 an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of
42 issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$75,000 the first year and
43 \$75,000 the second year, shall be paid into the general fund of the state treasury.

44 I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received
45 from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance
46 of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

47 J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any
48 amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

49 K.1. Not later than 30 days after the close of each quarter during the biennium, the Comptroller shall transfer, notwithstanding
50 the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the
51 general fund to the Game Protection Fund. This transfer shall not exceed \$3,000,000 the first year and \$3,000,000 the second
52 year.

53 2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the Comptroller to
54 transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the
55 official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. The Comptroller shall transfer to the general fund on June 30 each year, the amount in excess of \$900,000 in the Regulatory and Consumer Advocacy Revolving Trust Fund of the Office of the Attorney General (Fund 0239) in accordance with Item 53 of this act.

N. Not later than thirty days after the close of each quarter during the biennium, the Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$10,635,320 the first year and \$10,635,320 the second year.

O.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.1-336.2, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.1-336.2, Code of Virginia.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$4,611,720 the first year and ~~\$4,611,720~~ \$3,011,720 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

Q. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

R. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$6,500,000 the first year and an amount estimated at \$6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

S. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund an amount estimated at \$861,440 the first year and \$861,440 the second year, resulting from savings pursuant to a Virginia Information Technologies Agency rate decrease for telecommunications services effective November, 2003. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education.

T. On or before June 30 each year, the State Comptroller shall transfer from agency nongeneral fund accounts to the general fund an amount estimated at \$18,000 the first year and \$18,000 the second year, resulting from savings pursuant to a contract negotiated by the Virginia Information Technologies Agency for data-telecommunication lines effective July, 2003. The Director of the Department of Planning and Budget shall provide the Comptroller with the amount to be transferred from each agency.

U. On or before June 30 ~~each year, 2011~~, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund an amount estimated at \$953,423 ~~the first year and \$593,232 the second year~~ representing the nongeneral fund share of savings resulting from operational efficiencies of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, shall provide the State Comptroller with the amount to be transferred from each agency and institution of higher education. All funds from the Virginia Retirement System and federal sources are excluded from this action.

V. ~~The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of §2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be \$10,250,000, shall be deposited into the general fund no later than June 30, 2012. In addition, on~~ On or before June 30 each year, the State Comptroller shall transfer to the general fund \$1,550,385 the first year and \$1,550,385 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

W. On or before June 30 each year, the State Comptroller shall transfer \$400,000 the first year and \$400,000 the second year from the general fund to the Transportation Trust Fund to reflect sales tax revenues not collected as a result of the provisions of Chapter 593, Acts of Assembly of 2006.

X. On or before June 30 each year, the State Comptroller shall transfer \$890,000 the first year and \$890,000 the second year to the general fund from the \$2.00 increase in the vital records fee contained in the Department of Health's Vital Records and Health Statistics Program (40400).

Y. On or before June 30, 2011, the State Comptroller shall transfer \$9,055,000 to the general fund from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203). Beginning July 1, 2011, the State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed \$9,055,000 from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

Z. On or before June 30 each year, the State Comptroller shall transfer \$600,000 the first year and \$600,000 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

AA.1. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at \$7,410,986 the first year and \$6,440,198 \$6,776,373 the second year from the agencies and fund sources listed below.

Agency / Purpose	Fund	FY 2011	FY 2012
Department of Emergency Management (127)			
Transfer nongeneral fund cash balances	0271	\$1,427	\$0
Transfer nongeneral fund cash balances	0287	\$5,494	\$0
<i>Transfer surplus property proceeds to the general fund</i>			\$5,494
Virginia Information Technologies Agency (136)			
Reduce spending for geographic information services	0905	\$125,000	\$125,000
Department of State Police (156)			
Revert nongeneral fund cash from insurance fraud program	0250	\$2,000,000	\$2,000,000
Revert safety program nongeneral fund cash balance	0261	\$1,522,229	\$1,522,229
Transfer nongeneral fund cash balances	0200	\$132,016	\$0
Transfer nongeneral fund cash balances	0206	\$76,831	\$0
Transfer nongeneral fund cash balances	0221	\$7,150	\$0
Transfer nongeneral fund cash balances	0261	\$342,411	\$0
<i>Transfer indirect cost recoveries</i>	<i>0280</i>	<i>\$0</i>	<i>\$57,905</i>
Transfer nongeneral fund cash balances	0286	\$801	\$0
Transfer nongeneral fund cash balances	0287	\$7,079	\$0
<i>Transfer surplus property proceeds to the general fund</i>			\$6,144
Transfer nongeneral fund cash balances	0290	\$46,887	\$0
Secretary of Education (185)			
Transfer nongeneral fund cash balances	0270	\$147	\$0
Department of General Services (194)			
<i>Transfer surplus property proceeds to the general fund</i>	<i>0287</i>	<i>\$0</i>	<i>\$1,447</i>
<i>Transfer Office Depot refund amounts</i>	<i>0700</i>	<i>\$0</i>	<i>\$261,262</i>
Department of Conservation and Recreation (199)			
Transfer nongeneral fund cash balances	0286	\$340	\$0
Transfer nongeneral fund cash balances	0287	\$1,803	\$0
Virginia School for the Deaf and Blind (218)			
Transfer nongeneral fund cash balances	0286	\$2,000	\$0
Transfer nongeneral fund cash balances	0287	\$9,000	\$0
Department of Agriculture and Consumer Services (301)			
Transfer cash balances from nongeneral funds	0200	\$337,969	\$337,969
Economic Development Incentive Payments (312)			
Transfer nongeneral fund cash balances	0910	\$11,458	\$0
Department of Mines, Minerals and Energy (409)			
Revert funds in the state agency energy savings project revolving loan fund	0200	\$200,592	\$200,000
Revert energy sub-metering funds	0200	\$110,488	\$0

1	Revert geologic materials sales office funds	0200	\$19,000	\$0
2	Jamestown-Yorktown Foundation (425)			
3	Transfer nongeneral fund cash balances	0217	\$23	\$0
4	Department of Environmental Quality (440)			
5	Reduce litter grants to localities	0925	\$255,000	\$255,000
6	Reduce funding for waste tire pile cleanup	0906	\$1,500,000	\$1,500,000
7	Department of Motor Vehicles Transfer			
8	Payments (530)			
9	Implement Mobile Home Tax reduction	0746	\$500,000	\$500,000
10	Department of Health (601)			
11	Transfer nongeneral fund cash balances	0287	\$12,166	\$0
12	Department of Correctional Education (750)			
13	Transfer nongeneral fund cash balances	0287	\$7,252	\$0
14	Department of Social Services (765)			
15	Transfer nongeneral fund cash balances	0246	\$875	\$0
16	Transfer nongeneral fund cash balances	0272	\$135,948	\$0
17	Transfer nongeneral fund cash balances	0287	\$1,983	\$0
18	Department of Juvenile Justice (777)			
19	Transfer nongeneral fund cash balances	0287	\$2,844	\$0
20	<i>Transfer surplus property proceeds to the</i>			
21	<i>general fund</i>			\$3,923
22	Virginia Center for Behavioral Rehabilitation			
23	(794)			
24	Transfer nongeneral fund cash balances	0287	\$64	\$0
25	Department of Corrections (799)			
26	Transfer nongeneral fund cash balances	0240	\$333	\$0
27	Transfer nongeneral fund cash balances	0287	\$277	\$0
28	Governor's Office for Substance Abuse			
29	Prevention (853)			
30	Transfer nongeneral fund cash balances	0200	\$33,824	\$0
31	Higher Education Research Initiative (989)			
32	Transfer nongeneral fund cash balances	0951	\$275	\$0
33	Totals		\$7,410,986	\$6,440,198
34				\$6,776,373

35

36 2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the above-cited amounts between
37 fund/fund detail amounts, so as to increase or decrease the amounts for a designated fund/fund detail code, provided, however,
38 that such adjustments shall not increase the total transfers amount for an agency in excess of the sums cited above. The
39 Department of Planning and Budget shall notify the State Comptroller of such adjustments.

40 3. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary
41 provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state
42 treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not
43 apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the
44 Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to
45 exclude certain balances from this transfer or to restore certain balances that have been transferred.

46 BB. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts
47 to the general fund amounts estimated at \$258,636 the first year and \$269,882 the second year, resulting from savings
48 associated with changes in employer contribution rates for the Virginia Law Officers Retirement System pursuant to Item 469
49 of this act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred
50 from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are
51 excluded from this action.

52 CC. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts
53 to the general fund amounts estimated at \$4,855,893 the first year and \$5,066,977 the second year, resulting from savings
54 associated with changes in employer contribution rates for the Virginia Sickness and Disability program and the state employee
55 retiree health care credit, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the
56 Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected
57 funds and amounts from federal sources are excluded from this action.

58 DD. On or before, June 30, 2011, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to
59 the general fund amounts estimated at \$3,491,632 the first year resulting from savings associated with the decrease in the state
60 level of support for the cash match on state employee deferred compensation plan accounts, pursuant to Item 469 of this Act.
61 The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each

agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

EE. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at \$164,885 the first year and \$164,885 the second year, resulting from savings associated with the reduction of agency charges for the statewide purchase and supply system operated by the Department of General Services. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

FF. On or before June 30, 2011, the State Comptroller shall transfer \$4,350,000 to the general fund from the State Insurance Reserve Trust Fund at the Department of the Treasury.

~~GG. The Brunswick Correctional Center operated by the Department of Corrections shall be sold and the proceeds of such sale deposited into the general fund, notwithstanding the provisions of § 2.2-1156, Code of Virginia. The estimated amounts of the proceeds to be received is \$11,250,000. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.~~

HH. The former Virginia School for the Deaf, Blind, and Multi-disabled campus operated by the Department of Education shall be sold and the proceeds of such sale deposited into the general fund notwithstanding the provisions of §2.2-1156, Code of Virginia. The estimated amount of the payments to be received is \$2,500,000 the first year.

II. On or before June 30 each year, the State Comptroller shall transfer \$1,550,764 the first year and \$1,740,836 the second year from savings from changes to the durable medical equipment Medicaid rates, pursuant to paragraph UUU. in Item 297, to the general fund. Any additional savings will be transferred to the Virginia Infrastructure Technology Fund and shall be used to pay down balances on the working capital advance for enterprise applications, pursuant to paragraph D in Item 433. The Department of Medical Assistance Services shall determine the actual amount the State Comptroller shall transfer based on the most available expenditure data when the transfer is made.

JJ. On or before June 30 each year the State Comptroller shall transfer \$1,800,000 from the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 331, 384, and 408 of this act, for the purposes enumerated in Section 17.1-275.12. Any amounts remaining in the fund following these transfers, estimated at \$2,700,000 *each year the first year and \$650,000 the second year*, shall be transferred to the general fund on or before June 30 of each year.

KK. On or before June 30 each year, the State Comptroller shall transfer \$10,518,587 the first year and \$10,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

LL. On or before June 30, 2011, the Joint Committee on Rules shall authorize the transfer of \$1,000,000 to the general fund from unexpended nongeneral fund balances at the Commission on the Virginia Alcohol Safety Action Program.

MM. On or before June 30, 2011, the Joint Committee on Rules shall authorize the transfer of \$250,000 to the general fund from unexpended nongeneral fund balances at the Division of Automated Legislative Services.

NN. On or before June 30, 2011, the State Comptroller shall transfer \$12,000,000 to the general fund from unobligated nongeneral fund balances at the State Corporation Commission, and on or before June 30, 2012, the State Comptroller shall transfer an additional \$11,225,600 to the general fund from unobligated nongeneral fund balances at the State Corporation Commission.

OO. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0721), the Department of Taxation's indirect costs of administering this tax estimated at \$87,500 the first year and ~~\$87,500~~ *\$114,775* the second year.

PP. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$523,843 the first year and \$207,355 the second year from savings associated with the reduction in the rate charged to state agencies by Virginia Dominion Power. Of this amount, \$149,982 the first year and \$59,368 the second year is reserved for federal reversion upon request.

QQ. On or before June 30, 2011, the State Comptroller shall transfer to the general fund \$1,500,000 from fund 0255 in the Department of Corrections.

RR. 1. As required by §4-1.05 b of Chapter 874, 2010 Acts of Assembly, \$26,569 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year *and \$626,919 were reverted in the second year.*

2. On or before June 30, 2011, the State Comptroller shall restore \$16,068 to the Department of Historic Resources' Preservation Easement Fund from the general fund, pursuant to Section 4-1.05 b. of this act.

3. On or before June 30, 2012, the State Comptroller shall restore \$600,809 from the general fund to the Excess Indirect Cost Recoveries Fund (Fund 0316) in James Madison University, pursuant to Section 4-1.05 b. of this act.

4. On or before June 30, 2012, the State Comptroller shall restore \$5,320 from the general fund to the Surplus Supplies and Equipment Sales Fund (Fund 0388) in Christopher Newport University, pursuant to Section 4-1.05 b. of this act.

5. On or before June 30, 2012, the State Comptroller shall restore \$11,783 from the general fund to the Insurance Recovery Fund (Fund 0390) in Wytheville Community College, pursuant to Section 4-1.05 b. of this act.

SS. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, proceeds in the amount of \$210,000 from the sale by the Department of Forestry of the property at 728 Richmond Road in Staunton, shall be deposited into the general fund no later than June 30, 2011.

TT. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds, estimated at \$475,000, from the sale of the property at 7 N. 2nd Street in Richmond, formerly used to house the Richmond Women's Detention Center, shall be deposited into the general fund the first year.

UU. On or before June 30, 2012, the State Comptroller shall transfer to the general fund an amount estimated at \$2,600,000 from the Department of State Police for revenue received from the sale of two aircrafts.

VV. On or before June 30, 2012, the State Comptroller shall transfer to the general fund \$827,815 from the Department of Environmental Quality, Vehicle Emissions Inspection Program Fund.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$362,854 the first year and \$362,854 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

1 § 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

2 The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services
 3 received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of
 4 such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand
 5 against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate
 6 working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be
 7 restored to the agency appropriation by direction of the Governor.

8 § 3-2.03 LINES OF CREDIT

9 a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

10	Administration of Health Insurance	\$50,000,000
11	Department of Accounts, for the Payroll Service Bureau	\$400,000
12	Department of Accounts, Transfer Payments	\$5,250,000
13	Department of Alcoholic Beverage Control	\$60,000,000
14	Department of Corrections, for Virginia Correctional	
15	Enterprises	\$1,000,000
16	Department of Emergency Management	\$150,000
17	Department of Environmental Quality	\$5,000,000
18	Department of General Services, for the Real Estate	
19	Internal Service Fund	\$2,100,000
20	Department of Human Resource Management, for the	
21	Workers' Compensation Self Insurance Trust Fund	\$10,000,000
22	Department of Behavioral Health and Developmental	
23	Services	\$20,000,000
24	Department of Motor Vehicles	\$5,000,000
25	Department of the Treasury, for the Unclaimed Property	
26	Trust Fund	\$5,000,000
27	Department of the Treasury, for the State Insurance	
28	Reserve Trust Fund	\$25,000,000
29	Department of the Treasury, for the Teacher Liability	
30	Insurance Program	\$1,000,000
31	State Lottery Department	\$40,000,000
32	Virginia Information Technologies Agency	\$40,000,000
33	Virginia Tobacco Settlement Foundation	\$3,000,000
34	Department of Historic Resources	\$600,000
35	Department of Correctional Education	\$300,000
36	Department of Fire Programs	\$30,000,000
37	Compensation Board	\$8,000,000

38 b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit,
 39 including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of
 40 this act shall not apply to these lines of credit.

41 c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish
 42 guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with
 43 implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit
 44 shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution
 45 resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location
 46 strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating
 47 cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the
 48 repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

49 d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor
 50 Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal
 51 government's establishment of Uniform Carrier Registration.

52 e. The State Lottery Department is hereby authorized to use its line of credit to meet cash flow needs for operations at any
 53 time during the year and to provide cash to the State Lottery Fund to meet the required transfer of estimated lottery profits to
 54 the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The State Lottery
 55 Department shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to
 56 increase the line of credit to the State Lottery Department if necessary to meet operating needs.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

The Virginia Public School Authority shall transfer to the general fund an amount estimated at \$201,000 on or before June 30, 2011 and an amount estimated at \$201,000 on or before June 30, 2012, to reimburse the Commonwealth for staff and other administrative services provided to the Authority by the Department of the Treasury.

§ 3-3.02 PAYMENT BY THE STATE TREASURER

The State Treasurer shall transfer an amount estimated at \$13,930 on or before June 30, 2011 and an amount estimated at ~~\$39,474~~ \$650 before June 30, 2012, to the general fund from excess 9(c) sinking fund balances.

§ 3-3.03 INTEREST EARNINGS

A. Notwithstanding any other provision of law, the State Comptroller shall not allocate interest earnings to the following agencies and funds in either the first year or the second year of the biennium. The estimated amount of interest earnings that shall remain in the general fund as a result of this provision is \$15,220,501 the first year and ~~\$40,343,741~~ \$16,675,169 the second year of the biennium.

	Agency	Agency Code	Fund Name	Fund/Fund Detail
	Supreme Court	111	Pro Hac Vice Fund	0254
	Supreme Court	111	Court Technology Fund	0905
	Department of Military Affairs	123	Armory Control Board Fund	0901
	Department of Military Affairs	123	Virginia Military Family Relief Fund	0916
	Department of Human Resource Management	129	Worker's Compensation Funding Account	0700
	Department of Human Resource Management	129	Worker's Compensation Trust Fund	0742
	Virginia Information Technologies Agency	136	GIS Fund	0905
	Virginia Information Technologies Agency	136	Wireless E-911 Fund	0928
	Virginia Information Technologies Agency	136	Virginia Technology Infrastructure Fund	0931
	Department of Criminal Justice Services	140	School Resource Officer Incentive Grants Fund	0903
	Department of Criminal Justice Services	140	Virginia Domestic Violence Victim Fund	0912
	Department of Criminal Justice Services	140	Virginia Crime Victim - Witness Fund	0930
	Department of Criminal Justice Services	140	Intensified Drug Enforcement Jurisdictions Fund	0935
	Department of Criminal Justice Services	140	Regional Criminal Justice Academy Training Fund	0940
	Department of Criminal Justice Services	140	Court Fees Suspense Fund	0975
	Attorney General and Department of Law	141	Youth Internet Safety Fund	0237
	Attorney General and Department of Law	141	Regulatory And Consumer Advocacy Revolving Trust	0239
	Virginia Commission for the Arts	148	Virginia Arts Foundation Fund	0910
	Administration of Health Insurance	149	Health Insurance Fund - Local	0520
	Administration of Health Insurance	149	Health Insurance Fund - State	0620
	Administration of Health Insurance	149	Health Insurance Fund - State Restricted	0621
	Administration of Health Insurance	149	Pre-Medicare Eligible Retiree Health Benefits Trust Fund	0720
	Department of Accounts	151	Commonwealth Health Research Fund	0936
	Department of Treasury	152	Property Insurance Trust Fund	0740
	Department of Treasury	152	Miscellaneous Insurance Trust Fund	0741
	Department of Treasury	152	Liability Trust Fund	0743
	Department of Treasury	152	Automobile Trust Fund	0744
	Department of Treasury	152	Local Entities Bond Program	0745
	Department of Treasury	152	Public Officials Insurance	0746
	Department of Treasury	152	Law Enforcement Insurance	0747

			George Washington Regional	
1	Department of Treasury	152	Commission	0748
2	Department of Treasury	152	Commuter Rail Trust Fund	0749
3	Department of Treasury	152	Workforce Training Access Fund	0901
4	Department of Motor Vehicles	154	State Asset Forfeiture Fund	0430
5	Department of State Police	156	State Asset Forfeiture Fund	0233
			Drug Investigation Trust Account -	
6	Department of State Police	156	Federal	0236
7	Department of State Police	156	Insurance Fraud	0250
			Drug Investigation Trust	
8	Department of State Police	156	Account-State	0253
9	Department of State Police	156	State Asset Forfeiture Suspense Fund	0733
10	Department of State Police	156	Wireless E-911 Fund	0928
11	Compensation Board	157	Wireless E-911 Fund	0928
			Communications Sales And Use Tax	
12	Department of Taxation	161	Trust Fund	
13				0926
			Governor's Motion Picture	
14	Department of Taxation	161	Opportunity Fund	0902
	Department of Accounts Transfer			
15	Payments	162	Edvantage Reserve Fund	0708
	Department of Accounts Transfer		Line Of Duty Death And Health	
16	Payments	162	Benefits Trust Fund	0742
	Department of Housing and Community			
17	Development	165	Derelict Structure Fund	0916
	Department of Housing and Community			
18	Development	165	Economic Development Loan Fund	0921
	Department of Housing and Community		Virginia Manufactured Housing	
19	Development	165	Transaction Recovery Fund	0925
	Department of Housing and Community		Virginia Water Quality Improvement	
20	Development	165	Fund	0934
21	State Corporation Commission	171	Fire Programs Fund	0218
			Underground Utility Damage	
22	State Corporation Commission	171	Prevention Fund	0902
			Virginia State Police-Insurance Fraud	
23	State Corporation Commission	171	Fund	0905
24	Charitable Gaming Commission	173	State Asset Forfeiture Fund	0233
25	Virginia College Savings Plan	174	Special Revenue	0500
			Workforce Development Training	
26	Virginia Employment Commission	182	Fund	0910
27	Secretary of Finance	190	Workforce Training Access Fund	0901
			Governor's Motion Picture	
28	Secretary of Commerce and Trade	192	Opportunity Fund	0902
29	Secretary of Commerce & Trade	192	Governor's Opportunity Fund	0910
30	Department of General services	194	Parking	0270
31	Department of General services	194	Main Street Station Property	0922
	Department of Education - Direct Aid to			
32	Public Education	197	School Nurse Incentive Grants Fund	0905
	Department of Education - Direct Aid to		Va Public School Educational	
33	Public Education	197	Technology Trust Fund	0928
	Department of Education - Direct Aid to		Va Public School Construction Grants	
34	Public Education	197	Fund	0930
	Department of Education - Direct Aid to		Public Ed Soq/Local Re Property Tax	
35	Public Education	197	Relief Fund	0931
	Department of Conservation and			
36	Recreation	199	Natural Area Preservation Fund	0215
	Department of Conservation and			
37	Recreation	199	Chesapeake Bay Restoration Fund	0252
	Department of Conservation and		Virginia Stormwater Management	
38	Recreation	199	Fund	0902
	Department of Conservation and		Flood Prevention And Protection	
39	Recreation	199	Assistance Fund	0910
	Department of Conservation and		Va Land Conservation Fund -	
40	Recreation	199	Restricted	0917
	Department of Conservation and		Virginia Land Conservation Fund -	
41	Recreation	199	Unrestricted	0918

1	Department of Conservation and Recreation	199	Soil/Water Conservation District Dam Maintenance Fund	0925
2	Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund	0934
3	Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund Reserve	0935
4	Department of Conservation and Recreation	199	Virginia Natural Resources Commitment Fund	0936
5	Department of Conservation and Recreation	199	Vof - Open-Space Lands Preservation Trust Fund	0958
6	Department of Education - Central Office Operations	201	Virginia Teaching Scholarship Loan Fund	0908
7	Department of Education - Central Office Operations	201	Families In Education Incentive Grants Fund	0912
8	Department of Education - Central Office Operations	201	Community-Based Intervention-Susp/Expelled Student	0915
9	Department of Education - Central Office Operations	201	Artists In The Classroom Grants Fund	0916
10	Department of Education - Central Office Operations	201	School-To-Work Transition Grants Fund	0932
11	Department of Education - Central Office Operations	201	National Teacher Certification Incentive Reward Pg	0940
12	College of William and Mary	204	Auxiliary Enterprise	0306
13	University of Virginia	207	Auxiliary Enterprise	0306
14	Virginia Polytechnic Institute & State University	208	Auxiliary Enterprise	0306
15	Virginia Military Institute	211	Auxiliary Enterprise	0306
16	Virginia State University	212	Auxiliary Enterprise	0306
17	Norfolk State University	213	Auxiliary Enterprise	0306
18	Longwood College	214	Auxiliary Enterprise	0306
19	University of Mary Washington	215	Auxiliary Enterprise	0306
20	James Madison University	216	Auxiliary Enterprise	0306
21	Radford University	217	Auxiliary Enterprise	0306
22	Old Dominion University	221	Auxiliary Enterprise	0306
23	Department of Professional and Occupational Regulation	222	Common Interest Community Management Information Fund	0259
24	Board of Accountancy	226	Board Of Accountancy Trust Fund	0202
25	Board of Accountancy	226	Dedicated Special Revenue	0900
26	Department of Minority Business Enterprise	232	Capital Access Fund For Disadvantaged Businesses	0901
27	State Board of Bar Examiners	233	Special Revenue	0200
28	Virginia Commonwealth University	236	Auxiliary Enterprise	0306
29	Richard Bland College	241	Auxiliary Enterprise	0306
30	Christopher Newport University	242	Auxiliary Enterprise	0306
31	State Council of Higher Education for Virginia	245	Va Undergrad/Vocational Incentive Scholarship Fund	0905
32	State Council of Higher Education for Virginia	245	Brown V Board Of Education Scholarship Pgm Fund	0912
33	University of Virginia's College at Wise	246	Auxiliary Enterprise	0306
34	George Mason University	247	Auxiliary Enterprise	0306
35	Department of Rehabilitative Services	262	Statewide Independent Living Fund	0903
36	Department of Rehabilitative Services	262	Commonwealth Neurotrauma Initiative Trust Fund	0915
37	New River Community College	275	Auxiliary Enterprise	0306
38	Southside Virginia Community College	276	Auxiliary Enterprise	0306
39	Paul D. Camp Community College	277	Auxiliary Enterprise	0306
40	Rappahannock Community College	278	Auxiliary Enterprise	0306
41	Danville Community College	279	Auxiliary Enterprise	0306
42	Northern Virginia Community College	280	Auxiliary Enterprise	0306
43	Piedmont Virginia Community College	282	Auxiliary Enterprise	0306
44	J. Sargeant Reynolds Community College	283	Auxiliary Enterprise	0306
45	Eastern Shore Community College	284	Auxiliary Enterprise	0306
46	Patrick Henry Community College	285	Auxiliary Enterprise	0306
47	Virginia Western Community College	286	Auxiliary Enterprise	0306
48	Dabney S. Lancaster Community College	287	Auxiliary Enterprise	0306
49	Wytheville Community College	288	Auxiliary Enterprise	0306
50	John Tyler Community College	290	Auxiliary Enterprise	0306

1	Blue Ridge Community College	291	Auxiliary Enterprise	0306
2	Central Virginia Community College	292	Auxiliary Enterprise	0306
3	Thomas Nelson Community College	293	Auxiliary Enterprise	0306
4	Southwest Virginia Community College	294	Auxiliary Enterprise	0306
5	Tidewater Community College	295	Auxiliary Enterprise	0306
6	Virginia Highlands Community College	296	Auxiliary Enterprise	0306
7	Germanna Community College	297	Auxiliary Enterprise	0306
8	Lord Fairfax Community College	298	Auxiliary Enterprise	0306
9	Mountain Empire Community College	299	Auxiliary Enterprise	0306
10	Department of Agriculture and Consumer Services	301	Contested Pesticide Penalties	0708
11	Department of Agriculture and Consumer Services	301	Tobacco Loss Assistance Program Fund	0710
12	Department of Agriculture and Consumer Services	301	Virginia Farm Loan Revolving Account	0716
13	Department of Agriculture and Consumer Services	301	Certification Of Agricultural Products Trust Fund	0729
14	Virginia Agricultural Council	307	Dedicated Special Revenue	0900
15	Chippokes Plantation Farm Foundation	319	Dedicated Special Revenue	0900
16	Department of Business Assistance	325	Capital Access Fund For Disadvantaged Businesses	0901
17	Department of Business Assistance	325	Information Technology Employment Performance Grnt	0905
18	Department of Business Assistance	325	Workforce Retraining Fund	0909
19	Department of Business Assistance	325	Economic Development Loan Fund	0921
20	Department of Business Assistance	325	Small Business Environmental Compliance Assistance Fund	0930
21	Department of Business Assistance	325	Vsbfa-Virginia Export Loan Guarantee Fund	0956
22	Department of Business Assistance	325	Virginia Small Business Growth Fund	0957
23	Marine Resources Commission	402	Forfeited Asset Sharing Program Fund	0265
24	Marine Resources Commission	402	Marine Habitat And Waterways Improvement Fund	0916
25	Department of Game and Inland Fisheries	403	Boating Safety And Regulation	0902
26	Department of Game and Inland Fisheries	403	Non Game Cash Fund	0904
27	Department of Game and Inland Fisheries	403	Feed The Hungry Fund	0913
28	Department of Game and Inland Fisheries	403	Virginia Fish Passage Grant And Revolving Loan Fund	0922
29	Virginia Racing Commission	405	Special Revenue	0200
30	Virginia Racing Commission	405	Virginia Breeders Fund	0220
31	Department of Mines, Minerals and Energy	409	Exxon Oil Overcharge Fund	0738
32	Department of Mines, Minerals and Energy	409	Moto Pool Surety Bonds	0751
33	Department of Mines, Minerals and Energy	409	Coal Surface Mining Cont'l & Reclamation Act Cvl	0754
34	Department of Mines, Minerals and Energy	409	Gas And Oil Plugging And Restoration Fund	0755
35	Department of Mines, Minerals and Energy	409	Orphaned Well Fund	0952
36	Department of Forestry	411	Forfeited Asset Sharing Program Fund	0265
37	Department of Forestry	411	State Forests System Fund	0901
38	Department of Forestry	411	Virginia'S Natural Resources Trust Fund	0909
39	Department of Forestry	411	Virginia Forest Water Quality Fund	0926
40	Department of Historic Resources	423	Trust And Agency	0700
41	Department of Historic Resources	423	Historic Resources Fund	0910
42	Department of Historic Resources	423	Preservation Easement Fund	0927
43	Department of Environmental Quality	440	Operating Permits Program	0510
44	Department of Environmental Quality	440	Underground Petroleum Storage Tank Fund	0748
45	Department of Environmental Quality	440	Dupont Shenandoah River Mercury Monitoring	0755
46	Department of Environmental Quality	440	Waste Tire Trust Fund	0906
47	Department of Environmental Quality	440	Virginia Environmental Emergency Response Fund	0907
48	Department of Environmental Quality	440	Air Pollution Permit Program	0909

1	Department of Environmental Quality	440	Virginia Waste Management Board Permit Program Fund	0911
2	Department of Environmental Quality	440	State Water Control Board Permit Program Fund	0914
3	Department of Environmental Quality	440	Marine Habitat And Waterways Improvement Fund	0916
4	Department of Environmental Quality	440	Vehicle Emissions Inspection Program Fund	0919
5	Department of Environmental Quality	440	Va Motor Vehicle Emission Reduction Program Fund	0924
6	Department of Environmental Quality	440	Litter Control And Recycling Fund	0925
7	Department of Environmental Quality	440	Small Business Environmental Compliance Assistance Fund	0930
8	Department of Environmental Quality	440	Virginia Water Quality Improvement Fund	0934
9	Department of Environmental Quality	440	Virginia Water Quality Improvement Fund Reserve	0935
10	Motor Vehicle Dealer Board	506	Motor Vehicle Dealer Board Fund	0212
11	Department of Health	601	Waterworks Technical Assistance Fund	0248
12	Department of Health	601	Virginia Pregnant Women Support Fund	0276
13	Department of Health	601	Donations - Local Health Departments	0901
14	Department of Health	601	Trauma Center Fund	0902
15	Department of Health	601	Virginia Transplant Council Education Fund	0905
16	Department of Health	601	Virginia Rescue Squads Assistance Fund	0910
17	Department of Health	601	Water Supply Assistance Grant Fund	0922
18	Department of Health	601	Radioactive Materials Facility Licensure/Inspec Fd	0931
19	Department of Health	601	Medical And Physicans Assistant Scholarship And Loan Repayment Fund	0932
20	Department of Health	601	Nursing Scholarship And Loan Repayment Fund	0934
21	Department of Health	601	Nurse Practitioner Scholarship And Loan Repayment Fund	0936
22	Department of Health	601	Dental Scholarship & Loan Repayment Fd	0938
23	Department of Medical Assistance Services	602	Uninsured Medical Catastrophe Fund	0910
24	Department of Behavioral Health and Developmental Services	720	Mental Health/Retard Substance Abuse Srvs Trust Fd	0908
25	Department of Social Services	765	Putative Father Registry Fund	0914
26	Department of Social Services	765	Home Energy Assistance Fund	0925
27	Department of Corrections	767	Drug Offender Access Fund	0953
28	Department of Corrections	795	Corrections Special Reserve Fund	0230
29	Department of Corrections	799	Ded Impact Funds	0230
30	Department of Corrections	799	Drug Offender Access Fund	0953
31	Tobacco Indemnification & Revitalization	851	Technology Initiative Tobacco-Dependent Localities Tobacco Indemnification/Community Revitalization	0926
32	Tobacco Indemnification & Revitalization	851	Virginia Tobacco Settlement Fund	0942
33	Virginia Tobacco Settlement Fund	852	Virginia Tobacco Settlement Fund	0943
34	Virginia Commission on Energy and Environment	868	Virginia Commission On Energy & Environment Fund	0223
35	Dept of Veterans Services	912	Veterans Services Fund	0941
36	Sitter-Barfoot Veterans Care Center	922	Veterans Services Fund	0941
37	Innovative Technology Authority	934	Advanced Communications Assistance Fund	0265
38	Department of Fire Programs	960	Fire Programs Fund	0218
39	DPB - Central Appropriations - Admin	995	Texaco Oil Overcharge Fund	0734
40	DPB - Central Appropriations - Admin	995	Stripper Well Oil Overcharge Fund	0739
41	DPB - Central Appropriations - Admin	995	Diamond Shamrock Oil Overcharge Fund	0740

1	Central Appropriations	995	Commonwealth Technology Research Fund	0951
2	Department of Accounts-Statewide Activity	997	Drug Offender Access Fund	0953
3	Department of Alcoholic Beverage Control	999	Enterprise	0500
4	Department of Alcoholic Beverage Control	999	State Asset Forfeiture Fund	0533

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as determined by the State Council of Higher Education. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

Notwithstanding any other provision of law, for taxable years beginning on and after January 1, 2006, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000 for calendar years 2006 and thereafter, except that for taxable years beginning on or after January 1, 2010, and before December 31, 2010, the credit shall be capped at \$5,000,000.

§ 3-5.02 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, for license years beginning on and after July 1, 2006 and taxable years ending on and after December 31, 2006, the amount of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510, Code of Virginia for those companies not receiving a credit for the taxable year 2000, shall be limited to 60 percent of the retaliatory costs paid to other states for those companies or groups having more than 100 qualified full-time employees in this Commonwealth during the entire license year and who met the definition of "qualified investment" on or after January 1, 2001. In addition, such credit for those companies receiving a credit for the taxable year 2000 shall be limited to \$1,600,000 for license years beginning on and after July 1, 2010, and taxable years ending on and after December 31, 2010, provided, however, that no more than \$266,667 of such refund shall reduce the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531.

§ 3-5.03 PAYMENT OF AUTO RENTAL TAX TO THE RAIL ENHANCEMENT FUND AND THE GENERAL FUND

A. Notwithstanding the provisions of § 58.1-2425, Code of Virginia, or any other provision of law, the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A3 of § 58.1-2402, Code of Virginia, at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner of the Department of Motor Vehicles into the Rail Enhancement Fund.

B. Notwithstanding the provisions of the amendment to § 58.1-2425, Code of Virginia, enacted by Chapter 522 of the 2004 Acts of Assembly, all additional revenues resulting from the fee imposed under subdivision A 5 of § 58.1-2402, Code of Virginia, as enacted by Chapter 522 of the 2004 Acts of Assembly, shall be deposited into the general fund.

§ 3-5.04 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$217,300,000 the first year and ~~\$225,100,000~~ \$216,100,000 the second year.

1 § 3-5.05 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

2 A. The \$50,000 taxable year limitation on individual tax credits under the Neighborhood Assistance Act pursuant to
3 § 58.1-439.24 of the Code of Virginia shall not apply in any taxable year beginning in the relevant fiscal year of the
4 Commonwealth if, after an equitable allocation of tax credits under the Act of such relevant fiscal year, the total amount of tax
5 credits granted for all programs approved under the Act for such fiscal year was less than \$ 11.9 million.

6 B. Notwithstanding any other provision of law, any business firm that has pledged in writing on or before January 1, 2006, to
7 a neighborhood organization to make a donation to such organization shall be eligible to receive a tax credit equal to 45% of
8 the value of any qualifying donation that is covered under such writing, provided that the donation is made on or before
9 January 1, 2013 . Nothing in this paragraph shall be interpreted or construed as affecting any other provision of the
10 Neighborhood Assistance Act (§ 58.1-439.18 et seq. of the Code of Virginia). For purposes of this paragraph, the terms
11 "business firm" and "neighborhood organization" shall mean the same as those terms are defined in § 58.1-439.18 of the Code
12 of Virginia.

13 C. For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any
14 individual included in the definition of a "business firm" as such term is defined in § 58.1-439.18.

15 § 3-5.06 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

16 Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales
17 and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of
18 Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax
19 Commissioner shall develop procedures for such refunds.

20 § 3-5.07 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

21 Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1,
22 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as
23 required to be reported under § 17.1-283. In making the calculations of excess fees required by this paragraph the
24 Compensation Board shall exclude courts in the thirty-first judicial circuit, but pay them in accordance with § 17.1-285.

25 § 3-5.08 ACCELERATED SALES TAX

26 A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and
27 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and
28 purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding
29 calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June.
30 Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as
31 defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before
32 the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on
33 the return for June of the current year due July 20.

34 B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be
35 exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

36 C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of
37 registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form
38 ST-7, Consumer's Use Tax Return.

39 D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment
40 or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit
41 holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax
42 Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on
43 the first day following the due date set forth in this section if not paid.

44 E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner
45 and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the
46 provisions of §§ 58.1-605 and 58.1-606 of the Code of Virginia.

47 F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with
48 §§ 58.1-605, 58.1-606, 58.1-638, and 58.1-638.1 of the Code of Virginia until the Tax Commissioner makes a written
49 certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax
50 Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues
51 have been paid into the state treasury in any month for the preceding month. If the Governor determines on July 31 of each
52 year, that funds are available to transfer such collections in accordance with §§ 58.1-638 and 58.1-638.1, Code of Virginia, he
53 shall direct the State Comptroller to make such allocation. The Governor will report his determination to the Chairman of the

House Appropriations and Senate Finance Committees on August 15 of each year.

G. Beginning with the tax payment that would be remitted on or before June 25, ~~2011~~2012, if the payment is made by other than electronic transfer, and by June 30, ~~2011~~2012, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of ~~\$5,400,000~~ \$26,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2013- ~~The payment amount for June 2013 should be reduced to 85 percent of the sales and purchases for the previous June~~ and the payment amount should continue to be reduced until fully eliminated not later than June 2021.

§ 3-5.09 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1 - 2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding §18.2-270.01 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

PART 4: GENERAL PROVISIONS

§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.

d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.

b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.

c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.

b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.

2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.

c. Increased Nongeneral Fund Revenue:

1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which

are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be forwarded to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall report spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions;

5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;

6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or

7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

a) address a threat to life, safety, health or property, or

b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or

c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or

e) continue a program at the present level of service or at an increased level of service when required to address unanticipated

increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program, or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise.

5. Reporting:

The Director, Department of Planning and Budget, shall report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 2.2-5005, Code of Virginia.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such

reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. a) It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

b) In coordination with the institutions, the State Council of Higher Education for Virginia shall report no later than August 1 of each year on the estimated amount of revenue each institution expects to collect from tuition and mandatory educational and general fees during the fiscal year.

c) This report shall serve as the foundation for any administrative increase in nongeneral fund appropriations within the institutions' educational and general programs that is approved by the Director, Department of Planning and Budget, pursuant to the authority provided in § 4-1.04 of this act.

d) Each institution must notify the Director, State Council of Higher Education for Virginia, prior to requesting an administrative increase to the nongeneral fund appropriation for tuition and fee revenue within its educational and general program. Within 30 days of receiving such notification, the Director of the State Council of Higher Education for Virginia shall review and provide comment, as necessary, to the Director, Department of Planning and Budget. The Director, Department of Planning and Budget, shall evaluate the institution's request along with any comments received from the Director, State Council of Higher Education for Virginia, prior to taking action on the requested administrative increase.

e) In consultation with the Director, Department of Planning and Budget, the Director, State Council of Higher Education for Virginia, shall include a summary of all requested and approved administrative increases to nongeneral fund appropriations for tuition and fee revenue within the educational and general programs of the institutions of higher education as part of the annual nongeneral fund revenue report.

f) In consultation with the Department of Planning and Budget and the State Council of Higher Education for Virginia, the Governor shall reconcile actual nongeneral fund expenditures with nongeneral fund appropriations included in the act and recommend technical adjustments, as he deems appropriate, in submitting his budget amendments prior to the next General Assembly session.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond five percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the

Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.1-684.63, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections, Juvenile Justice, and Correctional Education, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections, Juvenile Justice and Correctional Education for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Department of Correctional Education for work performed shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds - Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

m) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

n)1. Unless otherwise specifically required to ensure compliance with federal or state law, regulation, court order, or court rule, and only to the extent thereof, each settlement under subsection A. of § 2.2-514, Code of Virginia, that provides for the payment, conveyance, grant, forfeiture, assignment, or other distribution of moneys or of any real, tangible, or intangible property to settle the Commonwealth's interest shall provide that such moneys or property be deposited or assigned for deposit into the general fund of the state treasury to be appropriated as determined by the General Assembly. The provisions of this paragraph shall only apply to such settlements in favor of the Commonwealth and shall apply to both civil and criminal matters.

2. The provisions of this paragraph shall not apply to any settlement (a) in which the total value of such moneys or property does not exceed \$250,000, (b) in which the entire amount of the settlement is for services provided or for property sold or provided under a contract, (c) involving the interest of the Virginia Retirement System, or (d) for an act or practice covered by the Virginia Consumer Protection Act (§ 59.1-196 et. seq., Code of Virginia) or the Virginia Antitrust Act (§ 59.1-9.1 et. seq., Code of Virginia).

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-353, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

1 § 4-2.03 INDIRECT COSTS

2 a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

3 Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and
4 agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

5 b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

6 The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher
7 education:

8 1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which
9 the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations
10 shall reflect the indirect costs in the program incurring the costs.

11 2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director,
12 Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount
13 of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

14 3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically
15 exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in
16 excess of the exempted sum shall be deposited to the general fund of the state treasury.

17 c. INSTITUTIONS OF HIGHER EDUCATION:

18 The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

19 1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of
20 research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued
21 by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not
22 limited to, the conduct and enhancement of research and research-related requirements.

23 2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1
24 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution
25 to meet administrative costs.

26 3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract
27 levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an
28 additional incentive for increasing externally funded research activities.

29 d. REPORTS

30 The Director, Department of Planning and Budget, shall report to the Chairmen of the Senate Finance and House
31 Appropriations Committees no later than September 1 of each year on the indirect cost recovery moneys administratively
32 appropriated.

33 e. REGULATIONS:

34 The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the
35 establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

36 § 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

37 § 4-3.01 DEFICITS

38 a. GENERAL:

39 1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund
40 appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor
41 shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

42 2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

43 a) an unanticipated federal or judicial mandate has been imposed,

44 b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS: Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

1 § 4-3.03 CAPITAL LEASES

2 a. GENERAL:

3 1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects
4 that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be
5 supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the
6 Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The
7 Secretary of Finance may promulgate guidelines for the review and approval of such requests.

8 2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director,
9 Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease
10 agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the
11 annual Debt Capacity Advisory Committee reports.

12 b. APPROVAL OF FINANCINGS:

13 1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed
14 through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to
15 § 2.2-2416, Code of Virginia.

16 2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the
17 Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and
18 approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General
19 Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a
20 capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and
21 Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its
22 action.

23 c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall
24 jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with
25 recommendations involving proposed capital lease agreements.

26 d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by
27 public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

28 **§ 4-4.00 CAPITAL PROJECTS**

29 § 4-4.01 GENERAL

30 a. Definition:

31 1. When used in this section, "capital project" or "project" means acquisition of property and new construction and
32 improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new
33 construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project"
34 or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when
35 such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

36 2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other
37 means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the
38 source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

39 3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased
40 property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon
41 expiration of the lease remain the property of the lessor.

42 4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151
43 C and 33.1-93, Code of Virginia.

44 b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the
45 following:

46 1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the
47 Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the
48 director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to
49 similar public and private sector projects.

2. The first priority of any agency or institution in requesting capital outlay appropriations shall be maintenance reserve funds.
3. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.
4. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.
- c. Each agency head shall provide to the Director, Department of Planning and Budget, a plan for the use of the maintenance reserve appropriation of the agency in Part 2 of this act prior to the allotment of funds. The plan shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual update to its maintenance reserve plan that to the best of his or her knowledge, all necessary roof repairs have been accomplished, are in the process of being accomplished, or the necessary funds for accomplishing the work have been requested before the agency requests funds for other improvements or new construction projects. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.
- d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and report any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.
- e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.
- f. It is the intent of the General Assembly that the Department of Conservation and Recreation shall be authorized to initiate and accept by gift or purchase with nongeneral fund dollars any lands for State Park or Natural Area purposes which may become available, and that are not specifically appropriated by the General Assembly, when such acquisitions are made in accordance with the provisions of this section and other applicable provisions of state law including approval by the Governor.
- g. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education shall be pursuant to approvals by the General Assembly at its regular sessions in even-numbered years. The consideration of capital projects in odd-numbered years shall be limited to:
1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and
 2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.
- This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.
- h. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.
- i. Initiation Generally:
1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor.
 2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.
 3. The Governor, at his discretion, may release from any capital project appropriation or reappropriation made pursuant to this

act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

j. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

k. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

1.1.Change in Size and Scope: Unless otherwise provided by law, the scope of any capital project may not be increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds, or minor increases or decreases in square footage determined by the Director, Department of General Services to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; or decreases in scope to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the scope of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

m. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will

be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

n. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$2,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$2,000,000 maximum.

2. All institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$2,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$2,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

o. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

p. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

q. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

r. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

s.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly.

t.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly.

u. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be considered an operating expense, provided that:

1. The scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services.

2. The project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Division of Purchases and Supply of the Department of General Services.

3. The scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy.

4. However, if the project scope entails: (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures, the project shall be subject to the capital outlay process as outlined in this section.

5. The total project cost does not exceed \$3,000,000. If the total project cost exceeds \$3,000,000, the project shall be subject to the capital budgeting process. However, energy performance projects underway before July 1, 2005, shall continue to be treated as operating expenses. Notwithstanding the above, if energy savings from a performance project offset the debt service, interest payments, and the cost of the project, the project shall not be subject to the capital budgeting process and the total project cost shall not exceed \$7,000,000.

6. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the above conditions. The director shall notify, in turn, the Chairmen of the House Appropriations and Senate Finance Committees that such projects have been initiated.

v. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

w. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

x. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

y. Any new construction project developed by or for the Chippokes Plantation Farm Foundation, with an estimated cost of \$750,000 or less, shall be exempt from the capital outlay review and approval process.

z. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$1,000,000 or less and are 100 percent federally reimbursed.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate or diploma program; grants to full-time graduate students; grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program; institutional contributions to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount other than as specified in Item 198 K of this act. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to the soil scientist scholarships authorized under § 23-38.3, Code of Virginia.

g) Unless noted elsewhere in this act, awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution

with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) The institution is required to transfer to educational and general appropriations all funds used to pay graduate assistantships or for duties which require work.

c) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

d) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a. All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b. For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1. No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

2. State agencies shall submit any proposed modifications in rates to be charged by internal service funds, pursuant to §§ 2.2-803, 2.2-1011, and 2.2-2013, Code of Virginia, that impact on agency expenditures to the Department of Planning and Budget for review prior to approval by the Joint Legislative Audit and Review Commission. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions and report its findings to the Commission prior to the approval of the rate request.

b. NEW SERVICES:

1. No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall submit in writing to the Chairmen of the House Appropriations and Senate Finance Committees a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall prepare a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall compare the actual results, including expenditures, of

the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state

agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles (including station wagons) shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the State Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the State Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2427, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the

IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State agencies shall identify all employees likely to travel on official business of state government more than twice per year and shall reimburse such employees for their travel costs using electronic data interchange. Any exceptions to this requirement must be approved by the affected cabinet secretary; and

6. This section shall not apply to members and employees of public school boards.

f. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. PURCHASES OF APPLIANCES AND EQUIPMENT: State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES: It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except as otherwise required by federal law or state statute.

k. TELECOMMUNICATION SERVICES AND DEVICES:

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

1. ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE PAYMENTS

a. Agencies shall not acquire real property by lease until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease and (ii) the volume of leased space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. This provision shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23-38.88, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or 44-146.28, Code of Virginia, or

2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Governor's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
Chief of Staff	\$152,818	\$160,459	\$160,459
Secretary of Administration	\$152,793	\$152,793	\$152,793
Secretary of Agriculture and Forestry	\$152,793	\$152,793	\$152,793
Secretary of Commerce and Trade	\$152,793	\$160,433	\$160,433
Secretary of the Commonwealth	\$152,793	\$152,793	\$152,793
Secretary of Education	\$152,793	\$152,793	\$152,793
Secretary of Finance	\$152,793	\$160,433	\$160,433
Secretary of Health and Human Resources	\$152,793	\$152,793	\$152,793
Secretary of Natural Resources	\$152,793	\$152,793	\$152,793
Secretary of Public Safety	\$152,793	\$160,433	\$160,433
Secretary of Technology	\$152,793	\$152,793	\$152,793
Secretary of Transportation	\$152,793	\$160,433	\$160,433

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may

be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Library Board, and the Virginia College Savings Plan Board may supplement the salary of the Director of each museum, the Librarian of Virginia, and the Director of the Virginia College Savings Plan Board from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
Level I Range	\$136,806 - \$191,906	\$136,806 - \$191,906	\$136,806 - \$191,906
Midpoint	\$164,356	\$164,356	\$164,356
Chief Information Officer, Virginia Information Technologies Agency	\$150,000	\$157,500	\$157,500
Commissioner, Department of Motor Vehicles	\$143,449	\$143,449	\$143,449

1	Commissioner,			
2	Department of Social			
3	Services	\$140,000	\$147,000	\$147,000
4				
5	Commissioner,			
6	Department of			
7	Behavioral Health and			
8	Developmental Services	\$182,545	\$191,672	\$191,672
9				
10	Commonwealth			
11	Transportation			
12	Commissioner	\$189,000	\$198,450	\$198,450
13				
14				
15	Director, Department of			
16	Corrections	\$147,321	\$147,321	\$147,321
17				
18	Director, Department of			
19	Environmental Quality	\$150,218	\$157,729	\$157,729
20				
21	Director, Department of			
22	Medical Assistance			
23	Services	\$185,000	\$185,000	\$185,000
24				
25	Director, Department of			
26	Planning and Budget	\$150,000	\$157,500	\$157,500
27				
28	State Health			
29	Commissioner	\$191,906	\$191,906	\$191,906
30				
31	State Tax Commissioner	\$136,806	\$143,646	\$143,646
32				
33	Superintendent of Public			
34	Instruction	\$167,111	\$175,467	\$175,467
35				
36	Superintendent of State			
37	Police	\$145,787	\$153,076	\$153,076
38				
39				
40		July 1, 2010	June 25, 2011	November 25, 2011
41		to	to	to
42		June 24, 2011	November 24, 2011	June 30, 2012
43				
44	Level II Range	\$96,659 - \$152,821	\$96,659 - \$152,821	\$96,659 - \$152,821
45				
46	Midpoint	\$123,210	\$123,210	\$123,210
47				
48				
49	Alcoholic Beverage			
50	Control Commissioner	\$120,000	\$126,000	\$126,000
51				
52	Alcoholic Beverage			
53	Control Commissioner	\$122,000	\$122,000	\$122,000
54				
55	Chairman, Alcoholic			
56	Beverage Control Board	\$124,741	\$130,978	\$130,978
57				
58	Commissioner,			
59	Department of			
60	Agriculture and			
61	Consumer Services	\$120,000	\$120,000	\$120,000
62				
63	Commissioner,			
64	Department of Veterans			
65	Services	\$120,000	\$120,000	\$120,000
66				

1	Commissioner, Virginia			
2	Employment			
3	Commission	\$122,000	\$128,100	\$128,100
4				
5	Executive Director,			
6	Department of Game and			
7	Inland Fisheries	\$124,740	\$130,977	\$130,977
8				
9	Commissioner, Marine			
10	Resources Commission	\$109,900	\$115,395	\$115,395
11				
12	Director, Department of			
13	Business Assistance	\$96,000	\$96,000	\$96,000
14				
15	Director, Department of			
16	Forensic Science	\$146,640	\$153,972	\$153,972
17				
18	Director, Department of			
19	General Services	\$141,231	\$148,293	\$148,293
20				
21	Director, Department of			
22	Mines, Minerals and			
23	Energy	\$118,941	\$124,888	\$124,888
24				
25	Director, Department of			
26	Human Resource			
27	Management	\$137,955	\$137,955	\$137,955
28				
29	Director, Department of			
30	Juvenile Justice	\$115,000	\$120,750	\$120,750
31				
32	Director, Department of			
33	Rail and Public			
34	Transportation	\$125,840	\$132,132	\$132,132
35				
36	Executive Director,			
37	DMV Dealer Board	\$109,948	\$115,445	\$115,445
38				
39	Executive Director,			
40	Virginia Port Authority	\$137,186	\$137,186	\$137,186
41				
42	State Comptroller	\$133,972	\$140,671	\$140,671
43				
44	State Treasurer	\$149,761	\$157,249	\$157,249
45				
46				
47		July 1, 2010	June 25, 2011	November 25, 2011
48		to	to	to
49		June 24, 2011	November 24, 2011	June 30, 2012
50				
51	Level III Range	\$84,054- \$132,890	\$84,054- \$132,890	\$84,054- \$132,890
52				
53	Midpoint	\$108,472	\$108,472	\$108,472
54				
55	Adjutant General	\$132,890	\$132,890	\$132,890
56				
57	Chairman, Virginia			
58	Parole Board	\$125,107	\$125,107	\$125,107
59				
60	Commissioner,			
61	Department of Labor and			
62	Industry	\$105,000	\$110,250	\$110,250
63				
64	Commissioner,			
65	Department of			
66	Rehabilitative Services	\$130,815	\$130,815	\$130,815
67				

1	Coordinator, Department			
2	of Emergency			
3	Management	\$114,650	\$120,383	\$120,383
4				
5	Director, Department of			
6	Aviation	\$127,937	\$127,937	\$127,937
7				
8	Director, Department of			
9	Conservation and			
10	Recreation	\$128,000	\$134,400	\$134,400
11				
12	Director, Department of			
13	Criminal Justice Services	\$108,000	\$113,400	\$113,400
14				
15	Director, Department of			
16	Employment Dispute			
17	Resolution	\$106,436	\$111,758	\$111,758
18				
19	Director, Department of			
20	Health Professions	\$120,121	\$126,127	\$126,127
21				
22	Director, Department of			
23	Historic Resources	\$105,189	\$105,189	\$105,189
24				
25	Director, Department of			
26	Housing and Community			
27	Development	\$118,414	\$124,335	\$124,335
28				
29	Director, Department of			
30	Professional and			
31	Occupational Regulation	\$112,000	\$112,000	\$112,000
32				
33	Director, The Science			
34	Museum of Virginia	\$122,635	\$128,767	\$128,767
35				
36	Director, Virginia			
37	Museum of Fine Arts	\$127,358	\$133,726	\$133,726
38				
39	Director, Virginia			
40	Museum of Natural			
41	History	\$105,000	\$110,250	\$110,250
42				
43	Executive Director,			
44	Jamestown-Yorktown			
45	Foundation	\$121,848	\$127,940	\$127,940
46				
47	Executive Secretary,			
48	Virginia Racing			
49	Commission	\$102,503	\$102,503	\$102,503
50				
51	Librarian of Virginia	\$132,890	\$139,535	\$139,535
52				
53	State Forester,			
54	Department of Forestry	\$96,660	\$101,493	\$101,493
55				
56	Superintendent,			
57	Department of			
58	Correctional Education	\$128,873	\$128,873	\$128,873
59				
60				
61		July 1, 2010	June 25, 2011	November 25, 2011
62		to	to	to
63		June 24, 2011	November 24, 2011	June 30, 2012
64				
65	Level IV Range	\$73,090 - \$109,309	\$73,090 - \$109,309	\$73,090 - \$109,309
66				
67	Midpoint	\$91,200	\$91,200	\$91,200

1				
2	Administrator,			
3	Commonwealth's			
4	Attorneys' Services			
5	Council	\$93,537	\$98,214	\$98,214
6				
7	Commissioner,			
8	Department for the			
9	Aging	\$109,309	\$109,309	\$109,309
10				
11	Commissioner, Virginia			
12	Department for the Blind			
13	and Vision Impaired	\$104,500	\$109,725	\$109,725
14				
15	Director, Department of			
16	Minority Business			
17	Enterprise	\$101,130	\$106,186	\$106,186
18				
19	Executive Director,			
20	Board of Accountancy	\$98,114	\$103,020	\$103,020
21				
22	Executive Director,			
23	Frontier Culture Museum			
24	of Virginia	\$101,085	\$106,139	\$106,139
25				
26	Human Rights Director,			
27	Human Rights Council	\$73,090	\$76,745	\$76,745
28				
29	Secretary, State Board of			
30	Elections	\$104,000	\$104,000	\$104,000
31				
32				
33		July 1, 2010	June 25, 2011	November 25, 2011
34		to	to	to
35		June 24, 2011	November 24, 2011	June 30, 2012
36				
37	Level V Range	\$20,288 - \$84,365	\$20,288 - \$84,365	\$20,288 - \$84,365
38				
39	Midpoint	\$52,327	\$52,327	\$52,327
40				
41	Director, Gunston Hall	\$82,072	\$86,176	\$86,176
42				
43	Director, Virginia			
44	Department for the Deaf			
45	and Hard-of-Hearing	\$84,365	\$88,583	\$88,583
46				
47	Executive Director,			
48	Department of Fire			
49	Programs	\$83,200	\$87,360	\$87,360
50				
51	Executive Director,			
52	Towing and Recovery			
53	Operators	\$75,712	\$79,498	\$79,498
54				
55	Executive Director,			
56	Virginia Commission for			
57	the Arts	\$82,174	\$86,283	\$86,283
58				
59	Chairman of Board			
60	Chairman, Compensation			
61	Board	\$20,288	\$20,288	\$20,288
62				

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
Independent Range	\$121,758 - \$162,240	\$121,758 - \$162,240	\$121,758 - \$162,240
Midpoint	\$141,999	\$141,999	\$141,999
Director, State Lottery Department	\$135,923	\$142,719	\$142,719
Executive Director, Virginia Office for Protection and Advocacy	\$121,758	\$121,758	\$121,758
Director, Virginia Retirement System	\$162,240	\$170,352	\$170,352
Chief Executive Officer, Virginia College Savings Plan	\$162,240	\$170,352	\$170,352

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education may annually supplement the salary of its president from private gifts, endowment funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors should be guided by criteria which provide a reasonable limit on the total additional income of a president. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	\$162,240	\$170,352	\$170,352
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			

1	Director, State Council of			
2	Higher Education for			
3	Virginia	\$160,000	\$160,000	\$160,000
4				
5				
6	SOUTHERN VIRGINIA			
7	HIGHER EDUCATION			
8	CENTER			
9	Director, Southern			
10	Virginia Higher Education			
11	Center	\$118,976	\$124,925	\$124,925
12				
13	SOUTHWEST			
14	VIRGINIA HIGHER			
15	EDUCATION CENTER			
16	Director, Southwest			
17	Virginia Higher Education			
18	Center	\$122,122	\$122,122	\$122,122
19				
20	VIRGINIA			
21	COMMUNITY			
22	COLLEGE SYSTEM			
23	Chancellor of Community			
24	Colleges	\$167,243	\$167,243	\$167,243
25				
26	SENIOR COLLEGE			
27	PRESIDENTS'			
28	SALARIES			
29	Chancellor, University of			
30	Virginia's College at Wise	\$127,221	\$127,221	\$127,221
31				
32	President, Christopher			
33	Newport University	\$130,805	\$130,805	\$130,805
34				
35	President, The College of			
36	William and Mary in			
37	Virginia	\$157,249	\$157,249	\$157,249
38				
39	President, George Mason			
40	University	\$148,307	\$148,307	\$148,307
41				
42	President, James Madison			
43	University	\$145,889	\$153,183	\$153,183
44				
45	President, Longwood			
46	University	\$140,121	\$147,127	\$147,127
47				
48	President, Norfolk State			
49	University	\$143,627	\$143, 627	\$143, 627
50				
51	President, Old Dominion			
52	University	\$157,883	\$165,777	\$165,777
53				
54	President, Radford			
55	University	\$143,624	\$150,805	\$150,805
56				
57	President, Richard Bland			
58	College	\$123,048	\$129,200	\$129,200
59				
60	President, University of			
61	Mary Washington	\$140,447	\$140,447	\$140,447
62				
63	President, University of			
64	Virginia	\$176,104	\$176,104	\$176,104
65				
66	President, Virginia			
67	Commonwealth University	\$176,113	\$176,113	\$176,113

1				
2	President, Virginia			
3	Polytechnic Institute and			
4	State University	\$176,113	\$184,919	\$184,919
5				
6	President, Virginia State			
7	University	\$143,624	\$143,624	\$143,624
8				
9	Superintendent, Virginia			
10	Military Institute	\$142,297	\$142,297	\$142,297
11				

12 e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and
13 classification plans established by the Governor.

14 2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or
15 by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

16 3. Notwithstanding §§ 40.1-29 and 2.2-804, Code of Virginia, agencies are authorized to seek compromise and settlement of
17 erroneous payroll overpayments with the approval of the Attorney General pursuant to, and consistent with, § 2.2-514, Code of
18 Virginia and as approved by the Governor or his designee. If so approved, agencies are authorized to use payroll deductions to
19 recover the compromise and settlement of erroneous payroll overpayments made to state employees. Such overpayments may
20 include, but are not limited to, excess wage or salary payments, erroneous refunds, and under-withheld payroll deductions for
21 retirement, health and other benefit programs. Payroll deductions made pursuant to this section are limited to 25 percent of
22 disposable earnings as defined in Code § 34-29(d).

23 f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to
24 any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing
25 any such system shall be paid from any funds appropriated to the affected agencies.

26 g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of
27 salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

28 h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for
29 in § 2.2-1201.12, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the
30 affected agencies.

31 i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body
32 to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular
33 geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries
34 which enable the Commonwealth to maintain a competitive position in the relevant labor market.

35 j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a
36 state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall
37 pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to
38 that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

39 2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary
40 listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

41 k.1.a) Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role
42 contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay
43 period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of
44 Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the
45 current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are
46 appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the
47 salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are
48 available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in
49 compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide
50 a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

51 b) Notwithstanding any other provision of law, state employees will be paid on July 2, 2012, for the work period June 10 to
52 June 24, 2012.

53 2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive
54 options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost
55 of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

1. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of §51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

§ 4-6.04 CHARGES

a. FOOD SERVICES: Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections, Juvenile Justice, and Correctional Education.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES :

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. –

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23-38.114 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 46102, Social Security Disability Determination, at the Department of Rehabilitative Services are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive — Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive—Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Change reporting from quarterly to annually.
Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report — goals, strategies, and results	Agency Directive — Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive — Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made to the Chairmen of the House Appropriations and Senate Finance Committees by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for

1 economic contingency.

2 4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

3 5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

4 6. Status of approvals of deficits.

5 c. Employment Reports:

6 1. Status of changes in positions and employment of state agencies affected. The information must include the number of
7 positions and the agencies affected.

8 2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to
9 Chapter 1 of Title 33.1, Code of Virginia, on behalf of the Commonwealth Transportation Commissioner, as authorized by
10 § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the
11 expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

12 3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include
13 a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the
14 emergency.

15 4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary
16 of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and
17 localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which
18 state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state
19 services and completing state functions. This report shall be provided to the Chairmen of the House Committee on
20 Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate
21 Committee on General Laws and Technology each year by October 1.

22 d. Capital Appropriations Reports:

23 1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

24 2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

25 e. Utilization of State Owned and Leased Real Property:

26 1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of
27 § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by
28 § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General
29 Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to
30 subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing
31 the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report
32 on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be
33 required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively
34 utilized.

35 2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS
36 lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form
37 prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the
38 number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

39 f. Services Reports:

40 Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the
41 operation of any academic program by any state institution of higher education, unless approved by the Council and included
42 in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

43 g. Standard State Agency Abbreviations:

44 The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of
45 state agencies. The Department shall submit to the Chairmen of the House Appropriations and Senate Finance Committees, the
46 State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia
47 Information Technologies Agency, on or before June 1 annually, a report on such standard abbreviations and any changes
48 thereto.

1 § 4-8.02 STATE AGENCIES

2 a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or
3 activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies
4 of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and
5 to the State Comptroller.

6 b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for
7 amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit,
8 electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

9 c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent
10 forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year
11 and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

12 § 4-9.00 HIGHER EDUCATION RESTRUCTURING

13 § 4-9.01 APPROVAL OF MANAGEMENT AGREEMENT FOR VIRGINIA COMMONWEALTH UNIVERSITY

14 The exceptions and authority granted in this act pursuant to Chapters 933 and 943 of the 2006 Acts of Assembly shall also be
15 granted pursuant to Chapters 594 and 616 of the 2008 Acts of Assembly. It is the intent of the General Assembly that this act
16 be enrolled to include references to Chapters 594 and 616 of the 2008 Acts of Assembly, in sections where Chapters 933 and
17 943, Acts of Assembly of 2006 are referenced.

18 § 4-9.02 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

19 Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management
20 measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional
21 performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no
22 later than June 1 of each year. Institutional performance on measures set forth in paragraph D of this section shall be
23 evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the
24 State Council of Higher Education before June 1 of each year. Financial benefits provided to each institution in accordance
25 with § 2.2-5005 will be evaluated in light of that institution's performance.

26 In general, institutions are expected to achieve their agreed upon targets and standards on all performance measures in order to
27 be certified by SCHEV. However, the State Council, in working with each institution, shall establish a threshold of permitted
28 variance from targets for each education-related measure, as appropriate. The Council shall review and, if in agreement,
29 approve institutional targets and thresholds.

30 Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related
31 measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related
32 measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of
33 performance.

34 The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the
35 certification process.

36 a. ANNUAL ASSESSMENTS

37 1. Access

38 a) Institution meets 95 percent of its State Council-approved biennial projection of total in-state student enrollment within the
39 prescribed range of permitted variance.

40 b) Institution maintains acceptable progress towards agreed upon targets for the percentage of in-state undergraduate students
41 from under-represented populations. (Such populations include low income, first-generation college status, geographic origin
42 within Virginia, race, and ethnicity, or other populations as may be identified by the State Council.)

43 c) Institution annually meets at least 95 percent of its undergraduate and 90 percent of its graduate and first-professional State
44 Council-approved estimates of degrees awarded.

45 2. Affordability

46 Institution establishes annual targets of graduation rates according to financial aid status with the intent of achieving, where
47 appropriate, a similar graduation rate for each cohort of students. Three cohorts of students shall be used for this measure, as
48 they are identified in their first year of enrollment at the institution:

- i. Students receiving Pell grants.
- ii. Students receiving forms of need-based financial assistance other than Pell grants.
- iii. Students receiving no need-based financial assistance.

Four-year institutions shall set targets based on four-year and six-year graduation rates.

The Virginia Community College System and Richard Bland College shall use two-year and four-year graduation rates.

3. Breadth of Academics

Institution maintains acceptable progress towards agreed upon targets for the number of graduates in high-need areas, as identified by the State Council of Higher Education.

4. Academic Standards

Institution reports on total programs reviewed under Southern Association of Colleges and Schools assessment of student learning outcomes criteria within the institution's established assessment cycle in which continuous improvement plans addressing recommended policy and program changes were implemented.

5. Student Retention and Timely Graduation

a) Institution maintains acceptable progress towards agreed upon targets for the average annual retention and progression rates of degree-seeking undergraduate students.

b) Institution maintains acceptable progress towards agreed upon targets for the ratio of total undergraduate degree awards to the number of annual full-time equivalent, degree-seeking undergraduate students.

6. Articulation Agreements and Dual Enrollment

a) Institution maintains acceptable progress towards agreed upon targets for the total number of transfer students, including as a priority those with an associate degree, from Virginia's public two-year colleges with the expectation that the general education credits from those institutions apply toward general education baccalaureate degree requirements.

b) The Virginia Community College System and Richard Bland College maintain acceptable progress towards agreed upon targets for the number of students involved in dual enrollment programs.

7. Research

Institution maintains acceptable progress towards agreed upon targets for the three-year moving average of total expenditures in grants and contracts for research.

b. BIENNIAL ASSESSMENTS

1. Affordability

a) Institution includes in its six-year plan the expected average borrowing of in-state students with established financial need, and the percentage of those students who borrow, and states its commitment to limit, where possible, the average borrowing to a level that maintains or increases access while not unduly compromising affordability.

b) Institution conducts a biennial assessment of the impact of tuition and fee levels net of financial aid on student indebtedness incurred for the payment of tuition and fees and provides the State Council with a copy of this study upon its completion and makes appropriate reference to its use within the required six-year plan. The institution shall also make a parent- and student-friendly version of this assessment widely available on the institution's website. The assessment should include, but is not limited to, the following information for in-state undergraduate students: a five-year historical overview of average tuition and fees, average federal loans and grants, average institutional aid, average state support, and average total debt burden.

c) This report, along with institutional tuition and fee information shall be prominently located on the institution's web site.

d) Institution will provide an addendum to the six-year plan identifying the steps it is taking to maintain its effort to meet the needs of in-state undergraduate financially-needy students taking into account tuition and fees, state appropriations, and financial need of these students.

2. Academic Standards' Productivity

Institution reports biennially the ratio of degrees conferred per full-time equivalent instructional faculty member.

3. Articulation Agreements

Institution maintains acceptable progress towards agreed upon targets for the number of undergraduate programs or schools for which it has established a uniform articulation agreement by program or school for associate degree graduates transferring from all colleges of the Virginia Community College System and Richard Bland College.

4. Economic Development

Institution develops a specific set of actions to help address local and/or regional economic development needs consisting of specific partners, activities, fiscal support, and desired outcomes. A summary of activities will be reported to the State Council biennially.

5. Patents and Licenses

Institution reports biennially to the State Council the annual number of new patent awards and licenses.

6. Elementary and Secondary Education

a) Institution develops a specific set of actions with schools or school division administrations with specific goals to improve student achievement, upgrade the knowledge and skills of teachers, or strengthen the leadership skills of school administrators. A summary of activities and the improvements in student learning, if any, shall be reported to the State Council biennially.

b) The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.

c) 1. The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

2. Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.

d) Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

7. Campus Safety and Security

The institution shall work to adopt an acceptable number of the 27 Best Practice Recommendations for Campus Safety adopted by the Virginia Crime Commission on January 10, 2006. Each practice shall be considered by the institution as to how it fits in with current practices and the needs of the institution. Following each biennium of reporting, the institution shall enumerate those practices adopted by the institution.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23-9.2:3.02.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly and the institution governed under Chapters 594 and 616 of the 2008 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
 - c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
 - d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
 - e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.
2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.
 3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.
 4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Minority Business Enterprise; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.
- The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.
5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.
 6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.
- e. FINANCIAL AND ADMINISTRATIVE STANDARDS
- The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and the institution governed under Chapters 594 and 616 of the 2008 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly.
1. Financial
 - a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
 - b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
 - c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
 - d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
 - e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.
 2. Debt Management
 - a) The institution shall maintain a bond rating of AA- or better;
 - b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and

c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and

b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Minority Business Enterprise; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and

b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;

b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and

c) The institution shall pay competitive rates for leased office space - the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and

b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23-9.6:1.01.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-10.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-11.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-12.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2012, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-13.00 EFFECTIVE DATE

This act is effective on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

2. That no provision of this act shall be construed or interpreted to cause the expiration of any provision of Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of such Chapter.

4. That §§ 16.1-69.48:1, 16.1-69.48:2, and 17.1-275 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104 and 46.2-1157.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D of this section more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);

6. Intensified Drug Enforcement Jurisdiction Fund (.065574);

7. Sentencing/supervision fee (General Fund) (.131148); and

8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);

2. Virginia Crime Victim-Witness Fund (.022059);

3. Regional Criminal Justice Training Academies Fund (.007353);

4. Courthouse Construction/Maintenance Fund (.014706);

5. Criminal Injuries Compensation Fund (.044118);

6. Intensified Drug Enforcement Jurisdiction Fund (.029412);

7. Drug Offender Assessment and Treatment Fund (.551471);

8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and

9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);

2. Virginia Crime Victim-Witness Fund (.058824);

3. Regional Criminal Justice Training Academies Fund (.019608);

4. Courthouse Construction/Maintenance Fund (.039216);

5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and

6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be \$30. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases

seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit card a reasonable convenience fee not to exceed four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the

Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

5. That §§ 15.2-1627.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1627.3. Attorneys for the Commonwealth and city attorneys; in criminal cases; when no costs or fees taxed.

The fees of attorneys for the Commonwealth in all felony and misdemeanor cases in which there is a conviction and sentence not set aside on appeal or a judgment for costs against the prosecutor, and for expenditures made in the discharge of his duties shall be as follows:

For each trial of a single count felony indictment, \$40.

1 For each trial of a multiple count felony indictment, \$40per count.

2 For each person tried for a misdemeanor in his circuit court,\$15, and for each person prosecuted by him before such court of
3 his county or city for a misdemeanor, which he is required by law to prosecute, or upon an indictment found by a grand jury,
4 \$15, and in every misdemeanor case so prosecuted the court or judge shall tax in the costs and enter judgment for such
5 misdemeanor fee.

6 No attorney for the Commonwealth or city attorney shall receive a fee for appearing in misdemeanor cases before a district
7 court notwithstanding any provision of law to the contrary.

8 No costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of any city or county or a
9 city attorney of any city in any case, unless he in person, or by a duly authorized assistant, actually appears and prosecutes the
10 proceedings before the court.

11 **6. That § 46.2-878.3 of the Code of Virginia is amended and reenacted as follows:**

12 § 46.2-878.3. Prepayment of fines for violations of speed limits.

13 Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court
14 for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of \$6 per mile-per-hour
15 in excess of posted speed limits provided for in this article. However, such Traffic Infractions and Uniform Fine Schedule shall
16 include a fine of \$7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and \$8
17 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2.

18 **7. That § 58.1-615.1 of the Code of Virginia is repealed.**

19 **8. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2012. The provisions of the**
20 **second, , fourth, fifth, sixth, and seventh enactments of this act shall have no expiration date.**